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Editorial

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Welcome to this edition of the International Journal of Clinical Legal Education. Before turning to the contents of the journal, I want to take a moment to reflect on what was a genuinely memorable couple of days in Edinburgh last month.

The IJCLE/ENCLE Conference took place on 15 and 16 June 2026 at Edinburgh Law School, a spectacular venue that provided a fitting backdrop for what turned out to be a rich and stimulating gathering. With over 200 attendees from across the world, the energy in the room was palpable from the outset, and it was wonderful to welcome colleagues- familiar faces and new ones alike from so many different jurisdictions and institutional contexts.

The conference theme, *Invading the Curriculum: Clinical and Experiential Legal Education in an Era of Sustainability and Impact*, set an ambitious agenda, and delegates rose to it. Over the two days, presentations, panels and discussions examined how clinical approaches can transform mainstream legal teaching, enrich student learning and generate meaningful educational and societal impact. At a time when law schools face increasing pressures around relevance, sustainability, and accountability, the conversations felt timely and necessary. Practice-based pedagogy, collaborative partnerships, reflective methods, digital innovation and sustainable models of delivery were all examined, and it was clear that the field continues to evolve in ways that are both principled and practically grounded. I left Edinburgh with my notebook full and my thinking genuinely challenged which, for a two-day conference, is exactly what you hope for. My thanks go to the University of Edinburgh Law School for hosting with such warmth and organisation, to ENCLE who are always a pleasure to collaborate with and to all who attended, presented and contributed.

Turning to this edition of the journal, we open with a reviewed article from Ngozi Maduafor of Nile University of Nigeria, 'The Legal Frameworks for Clinical Legal Education in Nigeria,' which offers a comparative analysis of the legal and institutional frameworks governing CLE in Nigeria and the United States, and makes a compelling case for legislative reform. The author maps the existing Nigerian framework, drawing on constitutional provisions, the Legal Aid Act 2011, the Administration of Criminal Justice Act 2015, the Child Rights Act, and the Rules of Professional Conduct, before demonstrating that none of these instruments provides a dedicated or enforceable framework for the operation, oversight, and sustainability of law clinics. The contrast with the US position, where all states have student practice rules governing clinical participation and establishes clear standards for law clinics. The article concludes with detailed proposals for amending both the Legal Practitioners Act and the Rules of Professional Conduct to create a dedicated regulatory framework for CLE in Nigeria, including provisions on the establishment of law clinics, student rights of appearance, supervision requirements, and licensing. It is a timely and practically grounded contribution to an area where the gap between aspiration and institutional reality remains significant.

From institutional frameworks we turn to classroom practice, with Kathryn Saban of Lancaster University examining the learning benefits students derive from designing and delivering public legal education to community members, including school pupils, in 'Learning beyond the classroom walls: Assessing the Value of Community Engagement through participation in a Street Law Project.' Drawing on survey data from students enrolled on a Street Law module at Lancaster University Law School, the findings are compelling: students reported significantly enhanced engagement and work ethic when producing work for a real-world audience, alongside substantial skill development in communication, legal research, teamwork, translating legal language for non-lawyers, and employability more broadly. The article situates these findings within the wider literature on community engagement in higher education and Street Law pedagogy, and makes a persuasive case for the educational value of taking students beyond the classroom walls. While the study is small in scale, a limitation the author openly acknowledges, it contributes meaningfully to an emerging evidence base and will resonate with clinicians working across a variety of community-facing programmes.

Biranchi Narayan P. Panda and Gurnoor Gulati of Xavier Law School, XIM University Bhubaneswar, turn attention to the place of mootings within Clinical Legal Education in India, arguing for the introduction of a structured and compulsory mootings programme as an integral element of Indian legal education. Drawing on comparative experience from the United States, United Kingdom, Australia, South Africa, and Canada, the article documents the significant disparities that persist between elite institutions particularly the National Law Universities and the majority of regional and resource-constrained colleges, where meaningful mootings culture remains largely absent. The authors situate mootings within broader debates about experiential learning and consider the contested question of whether mootings should be formally classified as CLE or treated as a complementary stand-alone method. Their analysis concludes that mootings is best understood as a distinctive but complementary strand within CLE, capable of building the research, advocacy, and professional identity formation that live-client work alone cannot deliver. The article proposes a series of reforms including a national mootings framework, curricular integration, faculty development, and financial equalisation measures which together offer a practical roadmap for democratising access to advocacy training across India's highly varied legal education landscape.

This edition also features a From the Field contribution from Sinead Eaton, University of Limerick, which offers a candid and engaging account of a legal technology module delivered at an Irish university. The piece describes a project in which twelve final year law students at the University of Limerick, working in partnership with McCann Fitzgerald LLP and Neota Logic, developed AI-powered applications for Limerick Chamber of Commerce. The apps addressed practical legal and compliance questions in areas including fire safety, business insurance, directors' duties, and company secretarial practice, chosen because they reflected recurring needs among the Chamber's members. What makes the piece particularly valuable for a clinical legal education audience is its honest reflection on pedagogy: the author acknowledges the relative advantages of the company law teams, notes the ethical questions that GenAI raises but which this earlier technology largely sidestepped, and includes a graduate's reflection on the lasting professional value of the experience. The project illustrates how clinical methodology can be productively extended into commercial law settings, equipping students with skills in legal research, client-focused communication, and collaborative problem-solving alongside a working familiarity with the technology increasingly shaping legal practice.

This edition concludes with two book reviews, both by Richard Grimes, Lincoln Law School, UK, Charles University, Czechia and New Vision University, Georgia on recently published texts addressing assessment in legal education. The first, a review of *How to Embed Authenticity in Legal Assessment: Responding to Generative AI* by Veronica Ni Driscoll, Jo Wilson and Jeanette Ashton (Edward Elgar,

2026), welcomes the book's timely focus on authentic assessment in the age of AI. The second review turns to *Rethinking Assessment in Legal Education: Global Perspectives on Innovation, Inclusion and Integrity*, edited by Daniel Bansal, Maribel Canto-Lopez and Jessica Guth (Routledge, 2026), which takes a different structural approach, reproducing six conference papers alongside international commentaries, to examine why and how assessment in law must evolve. Together, the two reviews offer a stimulating comparative read on one of the most pressing questions facing legal educators today, with Richard Grimes noting in both cases that those already working in experiential and clinical settings are, in many respects, already ahead of the curve.

I am delighted to be able to bring you this rich collection of work and look forward to sharing further articles in due course. As always, the journal welcomes submissions, and I encourage colleagues to consider contributing to future editions.



Reviewed Article

The Legal Frameworks for Clinical Legal Education in Nigeria

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Abstract

This paper critically examines the legal and institutional frameworks of Clinical Legal Education (CLE) in Nigeria, comparing them with those in the United States. Although CLE has gained global recognition as an essential part of legal training, Nigeria still lacks a dedicated and enforceable legal framework to regulate its operation, sustainability, and standards. The examination highlights constitutional provisions, statutes, and guidelines related to legal aid and access to justice, which underpin the operation of CLE in Nigeria. However, the absence of specific laws or regulations governing the operation of law clinics and clinical programmes hampers their full effectiveness and sustainability. Drawing lessons from the US, with its laws governing the administration of CLE, the paper advocates for the enactment of laws and the development of policies to formalise and regulate CLE in Nigeria. It emphasises that strong legal and institutional frameworks are vital for ensuring the quality, accountability, and sustainability of CLE programmes, which are crucial for facilitating access to justice and training future lawyers. The paper concludes with recommendations for legislative reforms and the institutionalisation of regulatory standards to embed CLE within Nigeria's legal education system.

Key Words: Access to Justice, Law Clinics, Regulatory Standards, Nigerian Legal Education.

1. Introduction

1.1. Clinical Legal Education

Clinical Legal Education (CLE) is a learning environment where students identify, research, and apply knowledge in a setting that replicates, at least in part, the world where it is practised; it almost inevitably means that students take on some aspect of a case and conduct it as it would be performed in the real world.¹ CLE provides an experiential learning platform where law students offer legal aid services under the supervision of law professors or practising attorneys. This hands-on model not only instils the necessary professional competence and skills in future lawyers but also develops the fundamentals of legal education through public service, thereby fostering a commitment to pro bono work among law students and new lawyers.² CLE programmes are typically structured to serve

¹ George S. Grossman, 'Clinical Legal Education: History and Diagnosis' *Journal of Legal Education* [1974] (26) 162 - 193.

² Richard J. Wilson, 'Training for Justice: The Global Reach of Clinical Legal Education' *Penn State International Law Review* [2003] (22) 421–431.

individuals and communities who usually lack access to legal aid due to financial constraints. The goal of the CLE programme is to bridge this gap by offering law students a platform to apply their academic knowledge practically, from providing legal aid to impoverished individuals to educating the public on legal provisions.³ CLE equips law students with essential professional skills, such as advocacy, analytical, research, negotiation, and drafting skills. Through CLE programmes, law students are introduced to professional ethics and values by engaging with real-world legal dilemmas, which involve offering legal aid to underserved members of society. By providing legal aid services, law students gain experience in handling ethical considerations, maintaining client confidentiality, and upholding professional standards. The core values of the legal profession, such as access to justice, integrity, honesty, accountability, competence, and professionalism, are also systematically embedded in students. These CLE programmes not only enhance students' legal skills but also promote access to justice and foster an understanding of the socio-economic factors that restrict it.⁴

Access to justice as a fundamental right should be universal because it includes the character and procedures, such as attainable justice, and an individual's position within the judicial system. It serves as a measure of the rule of law and the standard of governance in society.⁵ Access to justice refers to individuals' ability to seek and obtain remedies through formal or informal justice institutions for grievances, in accordance with human rights standards. As a core principle of the rule of law, access to justice must be unobstructed, enabling individuals to utilise legal tools and mechanisms to protect their rights.⁶ This is essential for ensuring equality, dignity, and the safeguarding of fundamental human rights for everyone. When all individuals can seek legal remedies without undue barriers, whether economic, social, or institutional, it promotes fairness, accountability, and social cohesion. Obstacles to access can entrench discrimination, inequality, and injustice, thereby eroding trust in the rule of law and weakening democratic institutions. Guaranteeing unrestricted access to justice as a universal right allows societies to foster inclusive development, empower marginalised groups, and uphold principles of fairness and human dignity for all. Despite its importance, access to justice remains a contentious issue worldwide due to persistent disparities in legal resources, systemic inequalities, and differing economic circumstances that hinder equitable legal protection. Many members of society, especially those with low incomes, are unable to afford adequate legal representation. Access to justice symbolises the institutional requirements for realising legal rights, highlighting the need for accessible, fair, and efficient legal systems that enable individuals to seek remedies, protection, and enforcement of their rights without unreasonable barriers such as high costs, complexity, or discrimination.⁷ It is inherently multidimensional, involving various interconnected elements that enable individuals to effectively seek and secure legal remedies. These include legal awareness, understanding one's rights and legal processes; affordability, ensuring legal services are financially accessible to all regardless of economic status; availability of legal infrastructure, courts, legal aid, and trained professionals; accessibility addressing physical, geographical, and systemic barriers; and procedural fairness, ensuring processes are transparent,

³ Anthony G. Amsterdam, 'Clinical Legal Education - A 21st - Century Perspective' *Journal of Legal Education* [1984] (34) 612-618.

⁴ Stephen Wizner, 'Beyond Skills Training' *Clinical Law Review* [2001] (7) 327-340.

⁵ Mauro Cappelletti, Bryant Garth, and Nicolò Trocker, 'Access to Justice, Variations and Continuity of a World-Wide Movement' *Rabels Zeitschrift Für Ausländisches Und Internationales Privatrecht / The Rabel Journal of Comparative and International Private Law*, [1982] (46) (4) 664 -707.

⁶ Trevor C. W. Farrow, 'What is Access to Justice' *Osgoode Hall Law Journal* [2013] (51) 987 - 957.

⁷ Michael R. Anderson, *Access to Justice and Legal Process: Making Legal Institutions Responsive to Poor People in LDCs* (Institute of Development Studies, Sussex 2003), 1-30.

impartial, and respectful of rights.⁸ Collectively, these dimensions demonstrate that access to justice is not merely about the existence of laws but also involves the practical, social, and systemic factors that influence individuals' ability to realise their rights effectively.

CLE is rapidly becoming a global phenomenon in legal education, and to date, it has improved access to justice through law clinics.⁹ Traditionally, CLE developed to address the rigidity of conventional legal training. It faced criticism for its theoretical focus, which left new lawyers inadequately prepared for real-world legal issues.¹⁰ The origins of CLE can be traced back to the US in the 1920s; it is believed to have originated from volunteer legal work by Yale Law School students, who provided legal aid without receiving academic credit.¹¹ The faculty permitted these students to provide legal assistance at Legal Aid Offices. Still, they were informed that they would not earn academic credit, as their legal aid work was not included in their coursework. It was not until the 1960s that the modern clinical movement emerged in the US.¹² A social upheaval marked that decade, as Americans experienced a surge in legal rights. Consequently, Congress, state legislatures, and courts began to establish and expand statutory rights on an annual basis. However, for low-income individuals, accessing remedies under these rights proved even more challenging; thus, the modern clinical movement aimed to institutionalise CLE to meet the legal needs of these marginalised populations, whose limited resources were insufficient to approach courts for justice. By 1987, approximately 98 per cent of law schools accredited by the American Bar Association (ABA) offered some form of clinical programme. Under the ABA's curricular requirements, all ABA-accredited law schools are mandated to have a CLE programme in place, ensuring that CLE is incorporated into their legal education.¹³

CLE, which originated in the US, has proven to be an effective means for law students to acquire practical legal skills and for underserved individuals and communities to access justice. This led to CLE becoming a global phenomenon, spreading from the US and being embraced outside its borders through its integration into the legal education of other countries and continents, including Asia, Africa, Australia, Canada, Europe, and the UK.¹⁴ It aimed to provide law students with hands-on legal experience and to provide access to justice for financially disadvantaged individuals in need of legal aid. In Nigeria, however, the Network of University Legal Aid Institutions (NULAI) introduced the CLE programme into Nigeria's legal education in 2004 to complement traditional legal training and address its rigidity. NULAI Nigeria launched its clinical programmes at universities with just five pilot law clinics.¹⁵ Today, many law faculties in Nigeria, including those at the Nigerian Law School campuses, have incorporated the CLE programme into their curricula, allowing law students to benefit from its

⁸ Hugh McDonald, 'Assessing Access to Justice: How Much "Legal" Do People Need and How Can We Know?' *UC Irvine Law Review* [2020] (11), 693 – 752.

⁹ Stephen Wizner and Jane Aiken, 'Teaching and Doing: The Role of Law School Clinics in Enhancing Access to Justice' *Fordham Law Review* [2004] (73), 997 - 1101.

¹⁰ Wilson, Richard J. *The Global Evolution of Clinical Legal Education: More Than a Method*. Cambridge University Press, 2017.

¹¹ *Ibid* at 1.

¹² Jeff Giddings, et al. "The First Wave of Modern Clinical Legal Education: The United States, Britain, Canada and Australia" Frank S. Bloch (ed), in *The Global Clinical Movement: Educating Lawyers for Social Justice* [Oxford University Press, 2010], 3-22.

¹³ Standard 303 (a) (3) Revised Standards for Approval of Law Schools, Section of Legal Education and Admissions to the Bar, American Bar Association. August 2014.

¹⁴ *Ibid* at 12.

¹⁵ Majekodunmi, et al. "Issues and Challenges Concerning Access to Justice in Nigeria: Clinical Legal Education Aid as a Panacea." *NIU Journal of Legal Studies* [2024] (10) (2), 37-50.

experiential learning opportunities and integrating it into their traditional legal education.¹⁶ Conventional legal education, the dominant approach before the introduction of the CLE, primarily involves classroom instruction, legal analysis, case studies, the application of legal principles, and mock oral arguments. However, scholars such as Sullivan, Colby, Wegner, and Bond have criticised traditional legal education for its heavy reliance on legal theory, doctrines, and case law, which they argue leaves law students insufficiently prepared for the practical realities of the legal profession. They claim that its rigidity and homogeneity fail to reflect the diverse career interests of law students, overlooking the multifaceted roles and responsibilities of lawyers in society. This divide between legal theories and practical legal work presents challenges for new lawyers as they enter the profession. Such issues highlight a gap left unmet by traditional legal education, which scholars believe is the reason behind the introduction of CLE programmes into legal pedagogy.¹⁷

2. The Legal Framework of Clinical Legal Education

2.1. The Legal Framework of Clinical Legal Education in Nigeria

The legal framework of CLE in Nigeria encompasses the Constitution of the Federal Republic of Nigeria 1999, the Administration of Criminal Justice Act (ACJA) 2015, Legal Aid Act 2011, Child Rights Act 2003, 2022 Guidelines for the Conferment of the Rank of Senior Advocate of Nigeria and related matters, Rules of Professional Conduct (RPC) 2023, and the Core Curriculum and Minimum Academic Standards (CCMAS).

The Constitution of the Federal Republic of Nigeria 1999, under the fundamental objectives and directive principles of state policy, particularly the provisions of S. 17(2)(c) of the 1999 Constitution, states that the government must ensure that every citizen has unfettered access to the courts. In guaranteeing such access, an individual's lack of resources to cover court processes and legal representation, without the possibility of legal aid, renders the courts inaccessible to them. The essence of that constitutional provision is that the government must ensure that every person has access to the courts. To uphold this mandate, the government must ensure the availability of adequate and efficient legal aid for indigent and marginalised populations. Consequently, the government established the legal aid scheme. The creation of this scheme marks one of the most significant advancements in the Nigerian legal system. It was introduced to address inequalities in financial resources among Nigerians seeking access to justice, serving as a fundamental element in the realisation of the principles of the rule of law. Since the Nigerian legal system, like others, depends on sufficient funding, it has become essential for the government to protect and facilitate access to justice for indigent and marginalised Nigerians. This need led to the establishment of the Legal Aid Council of Nigeria by Decree No. 56 of 1976. Over the years, the government's provision of legal aid services through this scheme has become a vital part of the Nigerian legal framework, reaching a level of indispensability in the administration of justice.¹⁸

Despite the Council's crucial role in administering justice, it faces significant funding challenges that impede the proper provision of legal aid, as well as the welfare and quality of its staff, particularly lawyers. Limited funding restricts the Council's ability to fulfil its responsibilities and maintain

¹⁶ Charles O. Adekoya, "Meeting the Required Reforms in Legal Education in Nigeria: Clinical Legal Education-Ten Years after." *International Journal of Clinical Legal Education* [2014] (20), 603-613.

¹⁷ Ibid.

¹⁸ Samuel O. Ekpewoh, Emmanuel E. Okon, 'Legal Aid and Access to Justice for Inmates in Nigeria: Challenges and Solutions' *International Journal of Research and Innovation in Social Science (IJRISS)* [2024] (VIII) (X), 530-542.

adequate office furnishings, equipment, and resources. Reliant on government support, the Council struggles to recruit and retain skilled legal practitioners and professionals, such as interpreters and psychiatrists, which diminishes the quality of the legal aid provided. Although the obligation of the state to deliver legal assistance is embedded in the fundamental objectives and directive principles of state policy contingent on S. 6(c) of the Constitution, which renders them non-justiciable despite the progressive provisions of S.17, the state is not liable nor accountable for failing to provide adequate legal aid or any legal assistance at all. Scholars argue that the non-justiciability of provisions concerning these fundamental objectives and directive principles primarily benefits the government, reducing these obligations to mere noble ideals rather than enforceable duties, effectively making them advisory. The lack of legal enforceability explains the government's indifference towards implementing these vital responsibilities, which are essential for national development. Consequently, the fundamental objectives and directive principles of state policy are often seen as ineffective, with Section 6(c) of the Constitution providing a convenient excuse for the government's reluctance to address the people's social security needs.

Another constitutional provision for the application of CLE in Nigeria is S. 46(4)(1)(b) (i-ii) of the Constitution, and provides that:

(4) The National Assembly -

(a) may confer upon a High Court such powers in addition to those conferred by this section as may appear to the National Assembly to be necessary or desirable for the purpose of enabling the court more effectively to exercise the jurisdiction conferred upon it by this section; and

(b) shall make provisions-

(i) for the rendering of financial assistance to any indigent citizen of Nigeria where his right under this Chapter has been infringed or with a view to enabling him to engage the services of a legal practitioner to prosecute his claim, and

(ii) for ensuring that allegations of infringement of such rights are substantial and the requirement or need for financial or legal aid is absolute.

The significance of the above constitutional provision grants the High Courts the authority to provide legal aid to individuals who have faced, are facing, or may face a potential breach of their fundamental rights. Moreover, the provision emphasises the importance of protecting the basic rights of all citizens, thereby promoting access to justice for marginalised groups who may lack resources to enforce their rights effectively. The provision encourages the judiciary to establish mechanisms for legal aid and to assess the circumstances of each case to ensure that the assistance offered is necessary and appropriate. As a result, the High Court plays a crucial role in improving access to legal aid by ensuring it is available to deserving individuals. It also supports a more just legal system, where people can seek justice irrespective of their financial situation. Under Section 46(4) of the Constitution, the National Assembly is required to enact legislation that funds indigent individuals whose fundamental rights have been violated, enabling them to access legal aid; however, no such legislation has been passed to date. The closest provision is the Council, which is severely underfunded and solely serves indigent persons, defined as those earning no more than the national minimum wage. Nonetheless, it suffers from a shortage of personnel necessary to deliver adequate legal aid. The institutionalisation of legal assistance within the Constitution underscores its importance for a fair society, which justifies including CLE in Nigeria's legal education system to supplement the legal aid services provided by the Council. Given that the demand for legal aid in Nigeria exceeds the supply offered by the Council, and

that limited access to legal services contributes to rising poverty and ignorance, there is a pressing need for law students to provide free legal services. Therefore, the constitutional legal framework for CLE in Nigeria can be derived from section 17(2)(c) and section 46(4)(1)(b)(i-ii) of the Constitution.

The Administration of Criminal Justice Act (ACJA) 2015, enacted to improve and simplify Nigeria's criminal justice system, is characterised by the promotion of expeditious, effective, and equitable criminal justice procedures; protection of defendants' rights; implementation of bail provisions to safeguard the conditional release of non-capital and low-risk offenders; encouragement of alternative dispute resolution mechanisms; enhancement of the Benchers' authority to administer court proceedings efficiently and ensure accountability; the inclusion of electronic methods to improve various criminal processes; the introduction of community service as an alternative to detention for minor offences to help reduce congestion in correctional facilities; and the creation of supervisory bodies to monitor the implementation and effectiveness of ACJA reforms. According to Section 6(2)(c) of the ACJA, the Police or any other arresting agency is required to inform suspects at the point of arrest of their right to legal aid. This underscores the duty of Nigerian law enforcement agencies to notify suspects of their right to legal assistance, which is vital for safeguarding access to justice. Consequently, this protects suspects' right to legal representation, shields them from injustice, raises public awareness of legal aid, promotes access to legal assistance, fosters accountability and transparency, prevents coercion and unjust treatment during interrogations, and guards against confessions or statements obtained under duress. The provision emphasising the right to legal aid highlights the importance of suspects' access to legal representation, ensuring they receive professional legal advice and advocacy. Globally, the right to legal assistance is a fundamental element of justice, ensuring that individuals, regardless of their financial means, can still access legal services. This right is crucial for maintaining impartial adjudication, balancing the scales between prosecution and defence, and enabling suspects to mount a compelling and credible defence. The practical enforcement of Section 6(2)(c) is therefore essential, as it profoundly influences the Nigerian criminal justice system, ultimately ensuring fair and impartial outcomes.¹⁹

The Legal Aid Act 2011, under Section 1, establishes the Council as a statutory body responsible for delivering legal aid to individuals who lack the financial means to afford legal services. Its primary aim is to facilitate access to justice, particularly for indigent and marginalised populations. This provision defines the legal foundation upon which the Council operates, enabling it to meet its obligations. The Act was enacted to establish and regulate the Legal Aid Council of Nigeria (the Council). The Council's goal is to provide legal aid services to impoverished members of society. The institutionalisation of government legal aid services in Nigeria began in 1961 when the then Chief Justice of Nigeria, Sir Adetokunbo Ademola, emphasised the need for an institutionalised legal aid fund to ensure its sustainability. His remarks initiated preparations for establishing a legal aid law for Nigerians and led to the formation of the Council. The objective of the Act is to establish a legal aid and access to justice fund, into which financial assistance is made available to the Council on behalf of indigent citizens to pursue their claims, as mandated by the Constitution; and to empower the existing Legal Aid Council to operate a scheme that grants legal aid and access to justice in specific cases or proceedings for persons with limited resources, as provided by this Act. The next important aspect is the scope of the Council's legal aid, as outlined in Section 8 of the Act, which covers both civil and criminal cases. The Act states that the Council shall provide legal assistance, advice, and access to justice across three main areas: the Criminal Defence Service, Advice and Assistance in Civil Matters (including legal

¹⁹ Mary J. Omachi and Anthony A. Sule, 'The Administration of Criminal Justice Act, 2015: Pathway to A Reformed Criminal Justice System in Nigeria' *ABUAD Law Journal* [2023] (7) (1), 130-152.

representation in court), and Community Legal Services, subject to merit and indigence assessments for the parties.²⁰

The scope of legal aid, as outlined in the above provision, is crucial to enhancing access to justice for individuals who cannot afford legal services. The Act's extension of legal aid to civil matters demonstrates a commitment to safeguarding individuals' rights across various legal contexts. By covering these two key and prevalent areas of law, the Council confirms that persons facing any legal issue involving civil or criminal charges can access legal services to seek justice. This is particularly important in criminal cases, as access to legal representation is fundamental to ensuring a fair trial and upholding the principle of "innocent until proven guilty," thus preventing miscarriages of justice and enabling defendants to mount a proper defence. Legal aid in civil cases assists marginalised or impoverished populations in a range of disputes, notably in family law, property, and labour issues. Providing legal aid in civil matters ensures individuals can obtain expert assistance in navigating complex legal situations, helping to prevent injustices. The provision of legal assistance creates opportunities for impoverished and marginalised communities to access legal support, empowering them to address their legal challenges.

Under the Criminal Defence Service, the Council provides legal aid in the areas of criminal investigation, legal advice, and representation.²¹ The criminal offences covered within the Council's mandate, according to the Act's second schedule, include: affray; assault occasioning bodily harm; armed robbery; common assault; malicious or grievous hurt; manslaughter; murder; rape; theft; and aiding and abetting the commission of any of these offences. Under the civil litigation service, legal aid includes legal advice; court or tribunal representation; enforcement and protection of rights, obligations, and interests; and civil claims, such as those arising from accidents, including employees' compensation claims, breaches of fundamental rights, and claims resulting from criminal activities. The Community Legal Service offers legal aid services, including providing legal assistance and resolving disputes related to legal duties and rights.

The third provision defines the indigent test as outlined in Section 10 of the Legal Aid Act, which states that "legal aid shall only be granted to a person whose income does not exceed the national minimum wage." This sets a financial threshold to focus legal aid on individuals unable to afford legal services, prioritising those with no financial means. By restricting legal assistance to those earning at or below the national minimum wage, the law promotes fairness and equality. It ensures that individuals from lower socioeconomic backgrounds can access legal support, which is crucial for maintaining equity within the legal system, particularly since an individual's financial capacity can significantly influence legal outcomes. Given the limited resources available for legal aid, setting the income cap at the national minimum wage helps distribute these resources efficiently, ensuring that assistance is reserved for those most in need. The indigence test requirement ensures that only eligible individuals benefit from legal aid. However, some critics rightly note that, considering the current economic climate and rising inflation, many individuals earning above the minimum wage still face financial hardships. They argue that restricting access to those below or equal to the minimum wage may create significant barriers, ultimately denying many Nigerians the opportunity to seek justice.²²

²⁰ Legal Aid Act 2011, section 8.

²¹ Ibid.

²² Akintunde A. Adebayo and Olugbenga Oke-Samuel and Olabanjo O. Ayenakin, Pro Bono Legal and Quasi-Legal Services for Indigents in Nigeria: 'The Legal Aid Council of Nigeria and University Based Law Clinics in Focus' *AFJCLJ* [2020] (5),78-92.

The fourth provision is section 17(1)(2) of the Act, which establishes statutory recognition for other bodies and persons providing legal aid, and it states that:

(1) The Council shall maintain a register of non-governmental organisations and law clinics that are engaged in the provision of legal aid or assistance to persons who are entitled to legal aid under this Act.

(2) The Council may partner with or otherwise engage the services of such organisations in a manner consistent with the mandate of the Council.

This provision recognises the contributions of law clinics and non-governmental organisations (NGOs) to the legal aid system. The formal acknowledgement of these institutions by the Act, which identifies these bodies, broadens the legal aid coverage available to deserving persons, thereby promoting a more accessible approach to free legal services. The Council's duty to maintain a register of these bodies implies a system of coordination and oversight, and the register serves as a guide for individuals in need of legal aid, ensuring that these bodies meet specified requirements. By mandating the Council to collaborate with these organisations, the law encourages partnerships that can improve the efficiency and accessibility of legal aid services. Such collaborations can facilitate resource sharing, increased accessibility, and better service delivery for those in need. The requirement that any partnership aligns with the Council's mandate helps to preserve the primary objectives of the legal aid framework. This safeguards accountability and quality in the legal aid provided. The inclusion of law clinics and NGOs by the Act supports its aim to ensure that legal assistance is adequate to meet the legal needs of all deserving individuals. This provision addresses gaps and utilises the expertise of other bodies capable of providing legal aid. Access to legal assistance enables individuals to navigate the legal system effectively by providing the necessary knowledge and resources, thereby promoting fairer outcomes in legal proceedings. Consequently, the provision serves as a fundamental yet vital step in ensuring that all persons have unrestricted access to legal aid, fostering fairness and impartiality within the justice system.

The Child Rights Act 2003 also makes provisions for legal aid through its S. 155, which states that “a child has the right to be represented by a legal practitioner and to free legal aid in the hearing and determination of any matter concerning the child in the Court.” This highlights the importance of legal representation in proceedings involving minors, ensuring access to legal assistance for children throughout legal processes that affect them. This is crucial for safeguarding their interests and ensuring that their opinions or positions are considered. The provision of legal aid removes financial barriers that could prevent a child from having legal representation, which is particularly significant because many minor families are impoverished or low-income and cannot afford legal fees. Access to legal aid helps promote fairness in the legal system, ensuring that all children, regardless of background, can enforce their rights. Children are often in circumstances where their livelihood, well-being, and future are being decided for them. Having access to legal aid guarantees that each child has an advocate who can effectively represent their views, circumstances, and needs in a way that the court can understand and evaluate. Therefore, this provision underscores that the legal system recognises minors as persons with rights that require special guidance and protection.

The provision emphasises the importance of legal representation for minors who are accused of a crime or need care and protection. This right to legal aid is crucial as it guarantees that a minor's interests are properly represented in court and their concerns are considered. The court must ensure that a child is fully informed about their right to legal aid, enabling them to understand their rights and access legal help. The provision also stresses the importance of interaction with lawyers. Children are allowed to communicate with their counsel during preliminary inquiries. This communication is

essential for building a strong defence or making sure their care and protection needs are properly addressed. Furthermore, the provision underlines the legal system's commitment to protecting the rights of vulnerable individuals, ensuring that every minor can access legal aid. Overall, the provision highlights the vital role of legal assistance in defending children's rights within the legal system, recognising minors' vulnerability and the necessity for appropriate legal representation to advocate for their concerns and needs.

The Rules of Professional Conduct (RPC) 2023 establish minimum standards for the professional conduct of lawyers and include provisions for legal aid through R. 38. This rule states that "A lawyer assigned to defend an indigent prisoner shall not ask to be excused except for substantial reason but shall exert his best effort in the defence of the accused." It indicates that the RPC's provisions regarding legal aid are limited to indigent detainees. Legal practitioners must not withdraw from such legal representation without substantial justification. This requirement reflects the ethical duty of defence counsel to provide competent and diligent representation, regardless of the client's financial situation. The provision inherently acknowledges that the right to a fair trial is vital for upholding the rule of law and protecting individual rights. The emphasis on lawyers giving their best efforts for indigent detainees helps prevent abandonment of clients. It ensures that every person, regardless of circumstances, has access to effective defence. This benefits the defendant and upholds the integrity of the judicial system, fostering public confidence in the justice process and reinforcing that justice should be accessible to all equally. Consequently, this requirement embodies a commitment to the principle of equality before the law. It underscores society's responsibility to guarantee the right to legal representation for all, especially the most impoverished and marginalised.

When a lawyer is appointed by the court to a *pro bono* brief, they are obliged to accept it and to defend the defendant competently and diligently until a final judgment is delivered. However, a lawyer may refuse such a brief only for substantial reasons, which may include that the brief lies outside their area of practice, conflicts of interest, financial incapacity, or personal beliefs that must be disclosed to the court. Failure to accept an indigent brief without a substantial reason may be seen as a refusal to uphold their duty to the court and the justice system. When a legal practitioner accepts a court brief, they are required to be fully committed to the client's case, regardless of whether the case is *pro bono*, since neglect constitutes professional misconduct. The Rules, therefore, encourage legal practitioners to provide competent and diligent legal aid to the indigent, thereby ensuring their access to justice.²³

The 2022 Guidelines for the Conferment of the Rank of Senior Advocate of Nigeria and for Related Matters specify that one of the requirements for a lawyer to be conferred with the rank of Advocate of Nigeria (SAN) is the mandatory provision of legal aid by lawyers seeking to join the inner bar as SAN. This is outlined in Rule 10 (7)I, which states that a candidate must have participated in at least three *pro bono* legal services for indigent clients or engaged in some form of community service. This underscores the necessity for legal practitioners to employ their skills and expertise to assist vulnerable individuals who cannot afford legal representation. Performing these *pro bono* legal services fosters a comprehensive understanding of the challenges faced by marginalised populations and cultivates empathy and fairness in candidates. The rank of SAN is comparable to that of Queen's Counsel (QC) in other jurisdictions and is awarded to Nigerian lawyers who meet the criteria outlined in the Guidelines. A significant condition for candidates is their commitment to providing legal aid services. The emphasis on the *pro bono* provision highlights the critical role of legal aid within the legal profession and the legal community's dedication to ensuring justice is accessible to all. This

²³ Legborsi Tony-Francis, 'The Cab Rank Rule: A Legal Practitioner's Role in its Observance with Respect to Cases of Murder or Manslaughter' *Achievers University Law Journal* [2023] (3) (1), 56-66.

signifies that lawyers, akin to ministers in the temple of justice, have an ethical obligation to guarantee that justice is available to everyone, regardless of their financial means. The requirement of legal aid in the application process signifies that lawyers, beyond excelling professionally, also serve as agents of social change by engaging in social justice work.

2.2. The Legal Framework of Clinical Legal Education in the United States of America

The US legal system is not based on a single system but consists of fifty-one separate legal systems, most of which are founded on common law, except for Louisiana, which has a Napoleonic civil code.²⁴ While the Napoleonic civil code is a French civil law that manages legal issues between private individuals, such as contracts, leases, property, sales, and wills, the common law relies on judicial precedent, meaning laws made by judges.²⁵ These fifty-one legal systems are spread across the US; although the federal government has its own constitution, each of the fifty states has its own constitution as well. When there is a conflict between federal and state law, the federal law takes precedence.²⁶ In the US, it is the highest state appellate court, also called the state supreme court, that admits individuals into the legal profession, authorising practice only within that state. However, some states have agreements allowing lawyers admitted in one state to practise in others without sitting for another state's bar exam. To practise before federal courts, one must be admitted to the bar of that specific federal court. For admission to the US Supreme Court, a lawyer must have been admitted to the bar in a state's highest court of appeals for at least three years.²⁷ In Nigeria, a person is admitted into the legal profession by the highest court in the land, that is, the Supreme Court of Nigeria, which issues a licence to practise law in any Nigerian state.

Based on the US system of admission to the bar, each state has its own rules governing student practice (SP), which regulate the conduct of student clinicians while they undertake their clients' legal cases. The SP rule of each state was passed by the supreme court of that state, being the body with the authority to make rules for the court and rules that regulate the professional conduct of lawyers that appear before it.²⁸ The state courts entertain matters that fall under the powers of the state government, including the establishment of local governments, issuing licences for marriage, driving, hunting, etc., regulating commerce within the state, conducting elections, ratifying amendments, supporting the public health of the citizens, setting laws for legal drinking and smoking ages, creating state constitutions, and any power not explicitly given to the national government.²⁹ The federal courts handle matters falling under the powers of the federal congress, such as levying taxes, duties, and excises to fund federal duties, empowering the government to lend money, regulating commerce both domestically and with foreign nations, establishing laws for naturalisation and bankruptcies, coining money, regulating its value, punishing counterfeiting, and establishing postal services.³⁰ They also define and punish maritime crimes, declare war, and maintain armed forces with specific

²⁴ Friedman, Lawrence M. "A history of American Law" (New York, 2005), 367-389.

²⁵ George Spence, "The Code Napoleon, Or, The French Civil Code" (The Lawbook Exchange Ltd. Lincoln's Inn, 2004), 627.

²⁶ Ibid at 24.

²⁷ William Burnham and Stephen F. Reed, *Introduction to the Law and Legal System of the United States* (West Academic Publishing 2021) 189.

²⁸ Ibid at 13.

²⁹ Felix Frankfurter, "Distribution of Judicial Power Between United States and State Courts." *Cornell LQ* 13 (1927): 499.

³⁰ Adrian Vermeule, "The Judicial Power in the State (and Federal) Courts." *The Supreme Court Review* 2000 [2000], 357-432.

provisions for appropriations and military governance, organise and oversee the militia, with states retaining authority over their appointment and training.³¹ The federal court system comprises the District Courts, which are the federal trial courts with ninety-four district courts; the Circuit Courts of Appeal, which are the appellate courts for the District Courts, with twelve circuits; and the Supreme Court, which is the highest court in the land.³²

The CLE programme in the US has developed to include the provision of secondary legal aid services (SLAS) by clinical students. Therefore, SP is allowed in the United States. All 50 states have a SP Rule, which is sometimes included in local court rules, incorporated into state statutes, or outlined in state bar rules.³³

Aside from state rules, US federal courts have also established regulations for SP in certain federal courts.³⁴

³¹ Peter E. Quint, 'The Federalist Papers and the Constitution of the United States' *Kentucky Law Journal* [1988] (77) (2), 369-401.

³² David P. Currie, "The Constitution in the Supreme Court: The Powers of the Federal Courts, 1801-1835." *U. Chi. L. Rev.* [1982] (49), 646-724.

³³ Alabama Rule for Legal Internship by Law Students; Rule 44, Legal Interns; Alaska Bar Rules; Rule 38(d); Arizona Rules of the Supreme Court; Rule XV. Student Practice, Arkansas Judiciary; Rule 9. 42. Certified Law Students, California Rules of Court; Colorado Student Practice Rules; Sec. 3-14. Legal Interns, Connecticut Practice Book; Rule 56, Rules of the Supreme Court of the State of Delaware; Practice by Law Students, Rules of the United States District Court for the District of Columbia; Rules Governing the Law School Practice Program, Rules Regulating the Florida Bar; Student Practice Rule, Rules of the Supreme Court of Georgia; Student Practice Rule, Rules of the Supreme Court of the State of Hawaii; Legal Intern License, Idaho Bar Commission Rules; Representation by Law Students, Illinois Supreme Court Rules; Legal Interns, Indiana Rules of Court; Iowa Court Rule 31. 2; Legal Intern Practice Rule, Supreme Court of Kansas; Limited Student Practice, Rules of the Supreme Court of Kentucky; Louisiana Law Student Admission; Maine Law Student Admission; Legal Assistance by Law Students, Rules Governing Admission to the Bar of Maryland; Massachusetts Supreme Judicial Court Rule 3: 03; Law Student Practice, Michigan Court Rules; Student Practice Rules, Minnesota Court Rules; Mississippi Law Student Practice Rule; Missouri Law Student Practice Rule; Montana Student Practice Rule; Nebraska Law Student Admission; Nevada Law Student Admission; New Hampshire Law Student Admission; New Mexico Law Student Admission; Student Practice Rules, New York Court Rules; North Carolina Student Practice Rule; North Dakota Admission to Practice Rules; Ohio Law Student Admission; Rules of the Supreme Court on Legal Internship, Oklahoma; Oregon Law Student Admission; Pennsylvania Bar Admission Rules 321 and 322; Rhode Island Law Student Admission; South Carolina Law Student Admission; South Dakota Law Student Admission; Tennessee Student Practice Rule; Texas Law Student Admission; Utah Law Student Admission; Vermont Law Student Admission; Third Year Practice Rule, Virginia; Washington Admission to Practice Rule; West Virginia Rules for Admission to the Practice of Law, Rule 10.0. 0; Clinical Programme Student Practice Rule and Wyoming Law Student Admission, <<https://guides.ll.georgetown.edu/c.php?g=271042&p=1808947>> accessed 22nd April 2024.

³⁴ The Middle District of Alabama: M.D. Ala. LR 83.2; District of Alaska: D.Ak. LR 83.2; District of Arizona: D. Ariz. LR Civ 83.4; Eastern District of Arkansas: E.D. Ark. Gen. Order 15; Western District of Arkansas: W.D. Ark. Gen. Order 41; Central District of California: C.D. Cal. L.R. 83-4; Eastern District of California: E.D. Cal. Rule 181; Northern District of California: N.D. Cal. Civil L.R. 11-9; Southern District of California: Student Practice Form; District of Colorado: D.Colo. LAttyR 14; District of Connecticut: D.Conn. L. Civ. R. 83.9; District Court for the District of Columbia: D.D.C. LCvR 83.4; Middle District of Florida: M.D.Fla. Rule 2.05; Southern District of Florida: S.D.Fla. Special Rule Governing Admission 5; Middle District of Georgia: M.D. Ga. L.R. 83.4; District of Hawaii: D. Haw. LR 83.7; Central District of Illinois: C.D.Ill. LR 83.5; Northern District of Illinois: N.D.Ill. LR 83.13; Southern District of Illinois: S.D.Ill. LR 83.1; Northern District of Indiana: N.D.Ind. L.R. 83.9; Northern and Southern Districts of Iowa: N.D. and S.D. Iowa LR 83.1(i); District of Kansas: D.Kan. L.R. 83.5.6; Eastern District of Louisiana: E.D. La. LR 83.2.13; Middle District of Louisiana: M.D.La. LR 83(b)(15); Western District of Louisiana: W.D. La. LR 83.2.13; District of Maine: D. Me. Rule 83.4; District of Maryland: D.Md. LR 702; District of Massachusetts: D.Mass. LR

From the provisions of the above-listed law, the rules regarding SP will be discussed in relation to the various regulations on SP, namely Purpose, Conditions for Practice, Consent and Supervision, Services, and Privileged Communication. The primary objective of these student practice rules nationwide is to support educational goals and enhance access to legal aid. The educational aim is to enhance learning while providing students with meaningful opportunities to gain practical experience in the legal profession. These rules are designed to strike a balance between fostering experiential learning and maintaining the integrity and professionalism of the legal field. By creating structured pathways for law students to offer legal services under supervision, these rules ultimately deepen their understanding of legal principles and procedures. Moreover, a key objective is to promote access to legal aid for individuals who might otherwise lack such services due to financial barriers or illiteracy. This serves the broader public interest. In doing so, the rules help bridge the gap between legal education and real-world practice, preparing law students to become competent, ethical, and socially responsible practitioners.

According to practice conditions, while student practice is permitted in the USA, it is not available to all law students because specific requirements must be fulfilled before a student can participate. The conditions for student practice are similar, though with minor variations. These typically require that the student be enrolled in a law school, be a senior law student, be endorsed by the Dean, not be compensated for legal services rendered, and be committed to demonstrating knowledge of the rules of professional conduct. The Law School Enrolment general rule for student practice states that a student clinician must be undertaking legal studies at an approved law school. Some states specify particular law schools permitted to engage in student practice; for example, South Carolina requires students from South Carolina School of Law and Charleston School of Law, North Dakota recognises either the University of North Dakota School of Law or any other law school approved by the American

83.5.4; Eastern District of Michigan: E.D. Mich LR 83.21; Western District of Michigan: W. D. Mich. LCivR 57.1(h); District of Minnesota: D. Minn. LR 83.8; Northern and Southern Districts of Mississippi: N.D. and S.D. Miss. LR 83.1; Eastern District of Missouri: E.D. Mo. L.R. 83-12.05; Western District of Missouri: W.D. Mo. L.R. 83.8; District of Montana: D.Mont. L.R. 83.7; District of Nebraska: NEGenR 1.7(j); District of Nevada: D.Nev. LR IA 11-5; District of New Hampshire: D.N.H. LR 83.2(c); District of New Jersey: D.N.J. L.Civ.R. 101.1(h); District of New Mexico: D.N.M. LR 83.11; Eastern District of New York: E.D. Student Practice; Northern District of New York: N.D.N.Y. L.R. 83.10; Northern District of New York: N.D.N.Y. Gen. Ord. 13; Southern District of New York: Plan for SP in Civil Actions; Western District of New York: W.D.N.Y. L.R. 83.6; Eastern District of North Carolina: E.D.N.C. Local Civil Rule 83.2; Eastern District of North Carolina: E.D.N.C. Local Criminal Rule 57.2; Western District of North Carolina: W.D.N.C. LCvR 83.1(H); District of North Dakota: D.N.D. Gen. L.R. 1.4; Northern District of Ohio: N.D. Ohio LR 83.6; Northern District of Ohio: N.D. Ohio LCR 57.6; Southern District of Ohio: S.D. Ohio Civ. R. 83.6; District of Oregon: D. Or. LR 83-5; Eastern District of Pennsylvania: E.D. Pa. Civ. Rule 83.5.1; Middle District of Pennsylvania: M.D. Pa. LR 83.19; Western District of Pennsylvania: W.D. Pa. LCvR 83.2D; District of Puerto Rico: D.P.R. L.Cv.R. 83B; District of Rhode Island: DRI LR 206(f); District of South Carolina: Local Civil Rule 83.I.09. DSC; District of South Dakota: Civil - D.S.D. Civ. LR 83.2I; District of South Dakota: Criminal - D.S.D. Crim. LR 44.1I; Eastern District of Tennessee: E.D. Tenn. Standing Order 13-04; Western District of Tennessee: W.D. Tenn Admin Ord. 2013-14; Northern District of Texas: N.D. Tex. Misc. Ord. 47; Western District of Texas: W.D.Tex. Local Court Rule AT-8; District of Utah: DUCivR 83-1.6; District of Vermont: D.Vt. Rule 83.1(e); District of the Virgin Islands: D.V.I. LRCi 83.1(b)(8); Eastern District of Virginia: E.D.Va. Local Civil Rule 83.1(K); Western District of Virginia: W.D.Va. Gen. R. 6(g); Western District of Virginia: Standing Order 2015-6; Western District of Washington: W.D.Wash. LCR 83.4; Northern District of West Virginia: N.D.W.Va. LR Gen P 83.04; Southern District of West Virginia: S.D.W.Va. LR Civ P 83.2 and LR Cr P 44.2; and District of Wyoming: D.Wyo. U.S.D.C.L.R. 84.2(e). The following rules guide SP in the 11 Circuit Courts of Appeal: First Circuit: 1st Cir. R. 46.0(f); Second Circuit: 2nd Cir. LR 46.1(e); Third Circuit: 3rd Cir. L.A.R. 46.3; Fourth Circuit: 4th Cir. R. 46(a) and Fourth Circuit: Appearance of Qualified Law Student; Sixth Circuit: 6th Cir. R. 46(d); Seventh Circuit: 7th Cir. R. 34(h); Eighth Circuit: 8th Cir. R 46B; Ninth Circuit: 9th Cir. R. 46-4 and Ninth Circuit: Requirements for Student Practice; Tenth Circuit: 10th Cir. R. 46.7; Eleventh Circuit: 11th Cir. R. 46-11; and D.C. Circuit: D.C. Cir. R. 46(g).

Bar Association (ABA), South Dakota requires the University of South Dakota or a law school approved by the ABA, Hawaii requires the University of Hawai'i School of Law, and New Mexico requires the University of New Mexico School of Law. Out-of-state students must attend a law school approved by the ABA. Law schools in the US are accredited by the ABA, which ensures they meet institutional standards through regular monitoring and comprehensive assessments every ten years. However, Texas makes provisions for both licensed and unlicensed law schools, making students from either eligible for SP, provided the Supreme Court of Texas approves licensed law schools. The requirement for senior law students to be eligible for student practice applies generally, though the definition of a senior law student varies by state. For states within the First Circuit-Maine, Massachusetts, New Hampshire, and Rhode Island-there are specific provisions. Massachusetts requires senior students who have completed a graded course in Evidence or Trial Practice. Maine and New Hampshire specify that students must have completed four semesters of legal studies; the latter also offers an alternative for students who have completed at least two semesters and are enrolled in a law school clinical course that involves classroom components and legal aid training, provided they maintain good moral character. Rhode Island defines "senior law student" as someone who has completed at least three full-time semesters of legal studies and either concluded or is enrolled in a graded Evidence or Trial Practice course. For the Second Circuit, Connecticut, Vermont, and New York have different standards.

Connecticut and New York require the completion of at least two semesters, with provisions allowing certification by the Dean for students who have completed fewer. Vermont requires at least three semesters of legal studies. States within the Third Circuit, Delaware, New Jersey, and Pennsylvania, also have varying requirements: Delaware mandates four semesters, New Jersey requires third-year status, and Pennsylvania specifies at least three semesters. In the Fourth Circuit, Maryland, North Carolina, South Carolina, Virginia, and West Virginia require different requirements; South Carolina, Virginia, and West Virginia all require a minimum of four semesters, North Carolina requires three, and Maryland stipulates that students must have completed at least one-third of the total credits needed for graduation. The Fifth Circuit, which includes Louisiana, Mississippi, and Texas, has mixed provisions. Louisiana requires four semesters plus coursework in Legal Ethics, while Mississippi offers two options: either two-thirds of the required hours if enrolled in an internship or half if in a clinical course. Texas requires students to be in good academic standing and to have completed either two-thirds or half of the coursework needed for graduation, depending on their registration in clinical legal education. The Sixth Circuit, Kentucky, Michigan, Ohio, and Tennessee, sets similar standards: Kentucky and Ohio require completion of at least two-thirds of the academic hours, Michigan requires the first year to be completed with passing grades, and Tennessee requires half of the legal studies for graduation. The Seventh Circuit, Illinois, Indiana, and Wisconsin, also requires students to have completed at least half of their legal studies to qualify.

States in the Eighth Circuit (Arkansas, Iowa, Minnesota, Missouri, Nebraska, North Dakota, and South Dakota) also have different provisions, although they are similar in nature. Minnesota adopted the same provisions that require the completion of a minimum of 2 semesters of legal studies necessary for graduation, although the latter requires full-time study. Iowa requires the completion of a minimum of 3 semesters of legal studies for graduation. For Missouri, the requirement is the completion of at least half of the essential credit load in legal studies for graduation. North Dakota and South Dakota require the completion of a minimum of 4 semesters, although the former permits at least 3 semesters if the student is registered in the CLE Programme at the University of North Dakota School of Law. Nebraska leaves the discretion of senior law students to the law school by stipulating that the student must have completed the legal studies required for senior law status at their law school. Arkansas' general provisions require that law students have completed a course in professional responsibility. Some states in the Ninth Circuit (Alaska, Arizona, California, Idaho, Montana, Nevada,

Oregon, Washington, Guam, Hawaii) specify details regarding compulsory completion of a certain number of credit hours of legal studies, like Montana, which requires 2/3 of the total credit hours necessary for graduation, and Nevada, which requires a minimum of 30 semester credit hours, amongst other requirements. Both Idaho and Washington require the completion of two-thirds of a three-year legal studies programme. Still, Washington also offers an alternative of completing five-eighths of a four-year programme in legal studies.

California requires a minimum of one year of legal studies, among other requirements. In contrast, Alaska requires the successful completion of at least half of the total legal studies needed for graduation. Arizona mandates the successful completion of at least three semesters to be eligible, whereas Oregon requires a minimum of four semesters of legal studies. Hawaii requires completing at least one-third of the necessary legal studies for graduation. In the states within the tenth circuit (Colorado, Kansas, New Mexico, Oklahoma, Utah, Wyoming), Utah and Wyoming each require a minimum of four semesters, Kansas requires at least 60 hours of legal studies, New Mexico mandates a minimum of 30 hours, Colorado specifies two years of legal studies, and Oklahoma requires completion of half of the total credit hours for legal studies. This is necessary for graduation and includes maintaining a qualifying grade point average. States in the Eleventh Circuit (Alabama, Florida, Georgia) require a minimum of four semesters or their equivalent. The Dean's endorsement for each student's participation in student practice is essential in every student practice rule. All rules governing student practice demand written endorsement from the Dean of the law school, which must be filed and submitted for an SC to obtain a licence or permit to engage in SP. The Dean will confirm that the student possesses good moral character, has competent legal skills, and is eligible to participate in student practice.

Consent and supervision requirements mandate that a student clinician's court appearance is only permitted after obtaining consent and under the supervision of a licensed professional. This appearance involves representing an indigent client, meaning they are unable to afford legal services. Various Rules of Student Practice specify that client consent must be obtained and that a licensed lawyer conduct mandatory supervision. In Massachusetts, the rule states that "...the general conduct of the case is under the general supervision of a member of the bar of the Commonwealth who is a regular or special assistant district attorney, a regular or special assistant attorney general, an agency counsel or assistant agency counsel or a corporation counsel, city solicitor, town counsel, assistant municipal counsel or assistant solicitor..." and clarifies that "general supervision" does not require the supervising attorney to be present in court. In New York, a student clinician must obtain the client's written consent and be under the supervision of a Licensed Bar member. Supervision is divided into two categories: immediate and general. Immediate supervision requires the supervising attorney's personal presence throughout proceedings, whereas general supervision does not, provided that their written supervision has been filed with the court. All legal documents, including memoranda, briefs, and pleadings, must be endorsed by this supervising lawyer, though they may also include the name of the SC involved.

Additionally, the supervising solicitor shall be personally responsible for all legal work undertaken by the SC. In Pennsylvania, the client's consent and the supervision of an attorney are also required, and such consent and supervision must be in writing and filed with the court. Furthermore, the supervising solicitor shall be responsible for providing guidance and ensuring the quality of the SC's work. In Maryland, a supervising solicitor must be appointed for the SC, who will be responsible for guiding the SC and ensuring the quality of its legal work. The state of Texas, aside from requiring the client's consent and supervision by a solicitor, also mandates that the supervising solicitor must: be a solicitor called to the bar by the Supreme Court of Texas for at least three years, have insurance covering

professional misconduct, errors or omissions of the SC unless they are a public prosecutor or assistant prosecutor or protected by government immunity, supervise no more than four SCS simultaneously, and demonstrate to the satisfaction of the General Counsel of the State Bar of Texas that they are skilled in the preparation and trial of cases.

The state of Kentucky requires that the SC engage in SP under the supervision of a law school director who may work full-time or part-time at the law school. The state of Wisconsin, in addition to requiring the client's consent, also mandates direct and immediate supervision by the supervising lawyer, meaning the lawyer must be present with the student throughout the proceedings unless the court and the client have already agreed that the lawyer's presence can be waived. Additionally, the supervising lawyer must be an active member of the bar, supervise no more than five SCS, be personally responsible for the legal work of the SC while under their supervision, personally approve and sign all legal documents prepared by the SC, inform the state bar of the start and end dates of the supervision, and file a statement with the SC Dean detailing the types of activities involved. Missouri also requires written consent from the client and supervision by a lawyer who must be a member of the Missouri Bar in good standing, guide the SC, and be personally responsible for the quality of the legal work performed under their supervision. Washington requires that the SC be supervised by a lawyer who must be an active, in good standing member of the bar. The lawyer must sign all legal documents prepared by the SC or have a lawyer in their firm sign them. Such a lawyer must qualify as a supervising lawyer and is not required to be physically present during court proceedings. Depending on circumstances, a supervising lawyer can oversee between one and ten SCS at a time. Failing to provide adequate supervision can lead to disciplinary action against the supervising lawyer. Wyoming mandates that the client's consent be obtained and oversight be provided by an active Bar member who must not supervise more than three SCS simultaneously. Georgia not only requires the supervision of a lawyer, who must be physically present in court, but also supervision by the Attorney General, a district attorney, a solicitor general of a state court, a solicitor of a municipal court, or a public defender. All legal documents must be signed by the individuals mentioned above.

According to the Services, legal services provided by the SC to clients must be offered free of charge. This emphasises the core purpose of the CLE programme, which is to make free legal services accessible to indigent members of society. Free legal services are essential because, without legal aid, indigent individuals will lack access to adequate legal representation, potentially obstructing their access to justice. Privileged communications refer to protected information that is also subject to confidentiality rules. These rules specify that all communications, whether oral or written, between the SC, the supervising attorney, and a client are legally protected and cannot be disclosed. Some rules on SP include provisions regarding privileged communications. In contrast, others state that the professional conduct of the SC will be governed by the rules of professional conduct, which also encompass the principle of privileged communications. The state of Alaska has a clear rule on privileged communications within its SP regulations. It states that "...the rules of law and evidence relating to privileged communications between attorney and client shall govern communications made or received by and among professors, supervising attorneys (and designated attorneys), and certified limited student practice students. All persons participating in any programme of instruction or professional activity for which a student is certified under these rules must not disclose privileged or confidential communications, whether during instruction or otherwise." Similarly, the state of Minnesota incorporated the rule on confidentiality into its SP regulations by stating that "...Communications between the client and the student shall be privileged under the same rules that govern the attorney-client privilege and work product doctrine, and the presence of the student during communications between the lawyer and client shall not, standing alone, waive these evidentiary privileges." The SP rule on privileged communications in Ohio states that "The

communications of the client to the legal intern shall be privileged under the same rules that govern the attorney-client privilege.” In Ohio, a legal intern certificate is issued for SP, and individuals holding this certificate are referred to as legal interns. Furthermore, the SP rule in Texas states that “The rules of law and evidence relating to privileged communications between attorney and client shall govern communications made or received by qualified law students or by qualified unlicensed law school graduates certified under the provisions of these rules,” but the sentence appears incomplete.

3.1. Conclusions and Recommendations

In examining the legal frameworks for CLE in Nigeria and the US, this research found that the Nigerian framework includes the Constitution of the Federal Republic of Nigeria 1999 (as amended), the Legal Aid Act 2011, and the Education (National Minimum Standards and Establishment of Institutions) Act. In contrast, the research found that the legal framework for CLE in the US is quite comprehensive and robust, as each state has its own CLE laws, including national laws regulating SP in federal and appellate courts.

Currently, there is no legal framework that sets the standard and regulates CLE in Nigeria, unlike in South Africa, where the Legal Practice Act 2014 and the South African Legal Practice Council Rules (LPC) govern CLE. These laws, especially the Legal Practice Act 2014 and the LPC Rules, establish regulations for the operation of law clinics to ensure uniformity and uphold high standards. This has significantly contributed to keeping law clinics operating strictly within regulated standards. As a result, law clinics in such environments are more likely to reach their full potential.

However, in Nigeria, the legal framework for CLE is inferred from the Legal Aid Act and the NUC BMAS Law, as there is no clearly defined law for its operation, maintenance, and sustainability, which are insufficient for the long-term viability of CLE in Nigeria. While the CCMAS provides for the compulsory inclusion of CLE in legal pedagogy and recommends a dedicated department of CLE within the faculty of law, the Legal Aid Act states that “the Council shall maintain a register of non-governmental organisations and law clinics that are engaged in providing legal aid or assistance to persons who are entitled to legal aid under this Act.”³⁵

Could it be that the operation of CLE is neither encouraged nor supported by the Council of Legal Education, Body of Benchers, and the Nigerian Bar Association, or is it simply an oversight? This conclusion is reached because these bodies, unlike their South African counterparts, have not established regulations, policies, guidelines, or rules to oversee and control the operation of law clinics in Nigeria, nor to ensure their suitability and sustainability. This is evident in Rule 36 of the South African Legal Practice Council Rule, which provides the standards for operating a law clinic. This rule states that the South African Legal Practice Council may, on an annual basis, accredit the operation of a law clinic if it is satisfied that the entity is constituted correctly, organised, and controlled; if it provides legal services to the public; if the legal services are rendered free of charge; and if legal practitioners employed by the clinic are remunerated only by way of salary paid by the clinic or the organisation to which it is attached. This provision has significantly contributed to the effective operation of law clinics in South Africa. It has led to the international recognition of notable law faculties in South Africa, such as the University of Cape Town Law Clinic and the Stellenbosch University Law Clinic.

The CLE programme is a global initiative aimed at training and integrating ethically conscious and professionally competent lawyers into the labour market, thereby improving access to justice in

³⁵ Legal Aid Act 2011, s.17.

Nigeria. Clinical programmes have become vital components of various law faculties, as mandated by the NUC CCMAS. These programmes should meet high standards to guarantee effectiveness and positive outcomes. Therefore, the programme must be transparent, accountable, and free from bureaucracy, nepotism, politics, and selfish interests, which can only be achieved through clearly defined laws, rules, and regulations. Consequently, the Council of Legal Education, the Body of Benchers, and the Nigerian Bar Association urgently need to establish rules like those of their South African counterparts for recognising, operating, supervising, and sustaining law clinics in Nigeria.

To establish a legal framework specifically for the operation of CLE in Nigeria, the LPA and the RPC must be amended again to include provisions regulating CLE in Nigeria. Accordingly, the following amendments are proposed to the LPA.

Firstly, S. 1(2) should be amended to include an experienced clinician as a member of the General Council. S. 1(2) states that:

The Bar Council shall consist of-

- a) The Attorney-General of the Federation, who shall be the president of the Council;
- b) The Attorneys-General of the States; and
- c) Twenty members of the Association.

The proposed amendment to S.1(2) is:

The Bar Council shall consist of-

- a) The Attorney-General of the Federation, who shall be the president of the Council;
- b) The Attorneys-General of the States;
- c) An experienced Clinician, and
- d) Twenty members of the Association.

Second, a separate heading titled 'Law Clinic' should be included in a new section, which may follow the section titled '*Practice as a Legal Practitioner*', and conclude with Section 14. The proposed law clinic could then commence with section 15.

Law Clinic

1. Establishment of a law clinic
2. Forms of Legal Practice
3. Right of Appearance
4. Recovery of costs
5. Licensing

Establishment of a law clinic ---Subject to the approval of the General Council of the Bar, a law clinic may be established by:

- A. Any university in the country, if it is constituted and governed as part of the faculty of law at that university,

- B. A non-profit juristic entity registered under the Corporate Affairs Commission to conduct *pro bono* legal practice if—
- i. The majority of its governing body is comprised of legal practitioners, and
 - ii. Upon its winding-up, dissolution, or voluntary deregistration, any assets remaining after all liabilities have been settled are transferred to another non-profit organisation with similar objectives; or

Forms of Legal Practice---(1) a law clinic:

- i. may only render legal services if those services are rendered by or under the supervision of attorneys;
- ii. may not distribute any of its income or property to its members, governors, or employees, except as reasonable compensation for services rendered.
- iii. may not render those legal services determined by the Council in the RPC.

(2) Legal services rendered by a law clinic referred to in

subsection (1) are—

- i. must be accessible to the public; and
- ii. must be rendered to the recipient of those services free of charge, except that the law clinic may recover any amounts actually disbursed on behalf of the recipient of the services.

Right of Appearance—law clinic students participating in the law clinic programme have the right to appear and represent indigent clients of the law clinic in courts, excluding the Supreme Court.

Recovery of costs—(1) Where in any legal proceeding or dispute costs become payable to a law clinic client, the law clinic is entitled to 60% of such payable costs, which are to be kept in the law clinic's bank account for the general administration of the clinic and its activities.

Licensing: The General Council of the Bar will make rules relating to:

- A. The approval for establishing law clinics as outlined in section 15.
- B. The general administration of the law clinic.

The following amendments are proposed in the RPC:

There should be included in the RPC a new part, which may be Part G titled Law Clinics

G----Law Clinics

55. (1) The Council may grant recognition annually to an entity as a law clinic if it is satisfied that the entity meets the following requirements:
- (a) if it complies with the provisions of section 15 of the Act;
 - (b) if it is properly constituted, organised, and controlled to the satisfaction of the Council;
 - (c) if it provides legal services to the public;
 - (d) if the legal services provided by the clinic are rendered free of charge, direct or indirect, to the recipient of those services, provided that –

- i. The clinic may recover from the recipient of its services any amounts actually disbursed by the clinic on behalf of the recipient;
 - ii. where the clinic acts for a successful litigant in litigation, it will be entitled to take cession from that litigant of an order for costs awarded in favour of the litigant, and to recover those costs for its own account;
- (e) the services may be rendered only to persons who, in the opinion of the Council, would not otherwise be able to afford them, or, with the prior written approval of the Council, services rendered in the public interest. The Council may, from time to time, issue guidelines to assist clinics in determining to whom services may be rendered.
- (f) the clinic may not undertake work in connection with the administration or liquidation or distribution of the estate of any deceased or insolvent person, mentally ill person or any person under any other legal disability, or the liquidation of a company, nor in relation to the transfer or mortgaging of immovable property, or such other work as the Council may from time to time determine;
- (g) the name under which the clinic is to carry on its activities, and the letterheads and other stationery of the clinic will require the prior approval of the Council; and
- (h) legal practitioners in the employ of the clinic may be remunerated only by way of salary payable by the clinic or by the organisation to which it is attached.



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Reviewed Article

Learning beyond the classroom walls: Assessing the Value of Community Engagement through participation in a Street Law Project

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Abstract

This article aims to explore the value of using community engagement projects as a learning tool for participating law students. Although small-scale, this study contributes a useful perspective at the intersection of community engagement, public legal education, and Street Law teaching and learning pedagogy. This article presents data gathered over two academic years (2022-2023 and 2023-2024) from students enrolled on a Street Law module at Lancaster University Law School. The study aims to assess the learning and value for students who participate in community engagement, specifically by working with members of the public through a Street Law project. The study explores insights from participating students which show how researching, designing and delivering Street Law presentations for the public has enhanced their engagement, work ethic, skills development, legal knowledge, employability and the ability to see law in action.

Keywords: Street Law; community engagement; skills; engagement; employability.

Introduction

Universities are increasingly using their research, scholarship and teaching to engage with the public. Community engagement in higher education can be described as a range of activities delivered by university staff and/or students that address a community's social, economic and political needs¹ and can be used to help 'evolve, shape, and progress higher education for the benefit of local, national and international communities.'² Student community engagement involves students working on projects locally within a community setting. Engagement can take many forms, including volunteering, community-based research projects, professional practice placements, training or through a teaching module.³

Whilst community engagement can add real value in supporting community development, this article aims to explore the value of using community engagement projects as a learning tool for participating law students. Specifically, participation in student community engagement is set into context in this article through consideration of a 'Street Law' module delivered at Lancaster University Law School.

¹ Maria Aurora Correa Bernardo, Jude Butcher, Peter Howard, 'An international comparison of community engagement in higher education' (2012) 32(1) *International Journal of Educational Development* 187-192

² *Ibid*, 191

³ Juliet Millican & Tom Bourner, 'Student-community engagement and the changing role and context of higher education' (2011) 53(2/3) *Education and Training* 89-99.

Street Law is a Public Legal Education ('PLE') community engagement programme where law students research, design and deliver interactive presentations to members of the public, including school pupils, in order to provide education about legal rights and responsibilities.⁴ Despite rich anecdotal evidence suggesting that participating in Street Law projects is an effective learning approach for law students, it remains the case that there is a relatively small, and still evolving, academic body of evaluative literature which has aimed to assess the effectiveness for students of engaging in Street Law programmes.⁵ This article offers a unique perspective by attempting to fill this gap in the evidence.

Although small-scale, this study contributes a useful perspective at the intersection of community engagement, public legal education, and Street Law teaching and learning pedagogy. This article presents data gathered over two academic years (2022-2023 and 2023-2024) from students enrolled on a Street Law module at Lancaster University Law School. The study aims to assess the learning and value for students who participate in community engagement, specifically by working with members of the public through a Street Law project. The study explores insights from participating students which show how researching, designing and delivering Street Law presentations for the public has enhanced their engagement, work ethic, skills development, legal knowledge, employability and ability to see law in action.

The findings indicate that there is a wealth of learning benefits for law students who partake in community engagement via Street Law programmes, that students would not be afforded in the 'traditional' law classroom.

Part 1 of this article considers the current literature regarding community engagement and the known benefits of Street Law projects. Part 2 of the article discusses how Street Law is offered as an optional third year and postgraduate law module at Lancaster University Law School. Part 3 details the research methodology used in this study, with Part 4 presenting and discussing the findings.

Part 1 - Literature Review

a) Why participate in community engagement?

Broadly, there are three underpinning goals for any higher education provider. Millican and Bourner note that this tripartite mission for universities involves:

- (1) the advancement of knowledge;*
- (2) the provision of higher education; and*
- (3) service to the wider community (i.e. beyond the walls of the campus).⁶*

Service by higher education providers to the wider community through community engagement can take numerous forms.

⁴ See for example: Sean Arthurs, Melinda Cooperman, Jessica Freda Grealy, John Lunney, Robb Mars and Richard Roe, 'Zero to 60: Building Belief, Capacity and Community in Street Law Instructors in One Weekend' (2017) 24(2) *International Journal of Clinical Legal Education* 118-241. See also: Richard Grimes, Ed O'Brien, David McQuoid-Mason and Judy Zimmer, 'Street Law and Social Justice Education' in Frank Bloch, *The Global Clinical Movement: Educating Lawyers for Social Change*, (OUP, 2011)

⁵ For discussion see: Brandon Golob, 'Student in the Seats, Teachers in the Streets: Evaluating the impact of Law Students Becoming 'Street Law' Teachers' (2021) 5(1) *International Journal of Public Legal Education* 37-93, 40. See also: Richard Grimes, 'Evaluating legal literacy programmes – aims, challenges, models and a call for action' (2018) 2(1) *International Journal of Public Legal Education* 28, 29.

⁶ Millican (n 3), 90

Mulligan and Nadarajah define community engagement as:

*'...the process of working collaboratively with groups of people affiliated by geographic proximity, special interest and/or similar situations to address issues affecting the well-being of those groups of people. Discussion of the notion of community engagement suggests that its aim must be the empowerment of individuals and community-based organizations...'*⁷

Universities have many reasons for working closely with the communities they serve.⁸ Firstly, engagement activities can offer numerous benefits to the community. Bernardo et al. argue that Universities have a moral obligation to the community to provide scholarship, research and leadership for the benefit of the public.⁹ This can be through knowledge transfer, knowledge exchange, arranging volunteering opportunities for the community interest or to improve quality of life.¹⁰

Secondly, engagement can offer reputational benefits to the University itself. For instance, Millican and Bourner argue that when universities offer student community engagement projects, this can also be attractive to potential applicants to a university by adding value to campus-centred study for students.¹¹ Some academics argue that there is an acceleration of expectation placed upon universities where they are expected to produce students who are socially aware and socially responsible, creating graduates who will be able to tackle the problems faced by an ever-complex world.¹² It is suggested that creating community engagement projects can assist Universities in achieving this aim.¹³

Thirdly, it is not just the community and the university itself that can benefit from higher education community engagement projects. Research suggests that it is beneficial for students to take their learning outside of the traditional classroom. For instance, Nicotera et al.'s research found that providing students with experiences which took them outside the comfort of the academic classroom acts as a transformative learning experience. For students participating in community engagement Nicotera argues that this '...developed broader perspectives about the relationship between the issues they read about in books and articles and the lived experiences of community members'.¹⁴ It has also been argued that community engagement provides students with opportunities to problem-solve, and engage in "deep learning" pedagogies such as critical thinking and social participation.¹⁵

Millican and Bourner argue that 'Student community engagement adds a dimension to university education that may otherwise be limited to the pursuit of knowledge and understating of an academic subject'.¹⁶ Instead, it is suggested that community engagement allows students to develop a sense of social concern, civic responsibility and community participation.¹⁷ Additionally, the value of community engagement has been noted as a way to broaden the horizons of students as they learn more about the world outside of universities, enhance self-efficacy and the feeling of being able to

⁷ M. Mulligan, & Y. Nadarajah (2008), 'Working on the sustainability of local communities with a "community-engaged" research methodology'. (2008) 13(2) Local Environment, 81,87

⁸ For discussion see: Judith A. Ramaley Why do we Engage in Engagement? (2001) 12(3) in Metropolitan Universities, published by the Coalition of Urban and Metropolitan Universities, Towson University.

⁹ Bernardo (n 1),187

¹⁰ James R. Cook & Maury Nation, 'Community engagement: Universities' roles in building communities and strengthening democracy' (2016) 47(5) Community Development 718-731

¹¹ Millican (n 3) 89

¹² Millican (n 3), 98

¹³ Ibid, 98

¹⁴ Nicole Nicotera, Nick Cutforth, Eric Fretz, and Sheila Summers Thompson, 'Dedication to Community Engagement: A Higher Education Conundrum?' (2011) 4(1) Journal of Community Engagement and Scholarship 1-13, 5

¹⁵ See literature review in: Kristine Mason OConnor, Kenny Lynch, David Owen, 'Student-community engagement and the development of graduate attributes', (2011) 53(2/3) Education & Training 100-115

¹⁶ Millican (n 3), 91

¹⁷ Ibid, 91

make a difference, develop employability skills, improve academic performance, and gain greater reflective skills whereby students understand their own strengths and weaknesses.¹⁸

b) The Street Law approach

‘Street Law’,¹⁹ is described by Grimes et al. as ‘...a vehicle through which the public can be made more aware of their rights and responsibilities’.²⁰ Street Law was founded in 1972 when a group of Georgetown University students decided to offer lessons about the law to high school pupils in Washington DC, delivered through a series of practical and interactive lessons. Due to the practical nature and relevance of the lessons, these were dubbed ‘Street Law’ by the participating high school students.²¹ The lessons grew in popularity and gained traction with other universities and high schools rolling out the programme.²² Today, Street Law is estimated to be the fastest growing, and most popular, type of clinical legal education programme globally.²³ Street Law has grown to such an extent that it is delivered in approximately 100 universities in the USA, in over 40 countries across the world²⁴ and in 60% of law schools in the UK.²⁵

The aims of Street Law are noted in the current literature as being two-fold. First, Street Law aims to benefit the community by offering education about legal rights and responsibilities free of charge. Second, Street Law aims to benefit the students delivering the Street Law lessons by providing opportunities to deliver interactive presentations to the public and develop their skill set.²⁶

McQuoid-Mason suggests that all Street Law presentations have six common features:

1. Street Law presentations must be *relevant* to the audience
2. Explain *legal content*
3. A discussion of *policy considerations*
4. Inclusion of discussions about *conflicting or competing values*
5. *Interactive* teaching strategies should be adopted; and
6. *Practical* information should be given.²⁷

Often delivered by university law students, Street Law is a method of participating in community engagement through delivering Public Legal Education (‘PLE’) to the local community and to school children. Grimes describes PLE as working with communities to provide “an awareness of the law and

¹⁸ Ibid, 91

¹⁹ Street Law TM is the property of Street Law Inc of Washington DC, USA <<https://www.streetlaw.org/>> accessed April 2025.

²⁰ Richard Grimes, David McQuoid Mason, Ed O’Brien and Judy Zimmer ‘Street Law and Social Justice Education’ in Frank Bloch, *The Global Clinical Movement: Educating Lawyers for Social Justice*. (OUP, 2011)

²¹ Lee Arbetman, ‘Street Law, Inc.: Context, History and Future’ (2018) 2(1) *International Journal of Public Legal Education* 3-27

²² There are several articles which detail the history of Street Law, so they will not be replicated in this article. For useful historical background of Street Law, see: Lee Arbetman, ‘Street Law, Inc.: Context, History and Future’ (2018) 2(1) *International Journal of Public Legal Education* 3-27

²³ Sean Arthurs, Melinda Cooperman, Jessica Freda Grealy, John Lunney, Robb Mars and Richard Roe, ‘Zero to 60: Building Belief, Capacity and Community in Street Law Instructors in One Weekend’ (2017) 24(2) *International Journal of Clinical Legal Education* 118-241.

²⁴ Arbetman (n 21), 3-27

²⁵ Ben Perdue and Amy Wallace, ‘Preparing Lawyers for Practice: Developing Cultural Competency, Communication Skills, and Content Knowledge through Street Law Programs’ (2021) *Journal of Legal Education* 95-124

²⁶ See for example: Richard Grimes ‘How was it for you (and how was it for them)? Learning by doing, the Street Law way’ (2001) 151(6968) *New Law Journal* 87. See also: Richard Grimes, ‘The (book) case of learning by doing’ (2002) 152(7051) *New Law Journal* 1516.

²⁷ David McQuoid-Mason, ‘Street Law and Public Legal Education: A Collection of Best Practices from around the world in honour of Ed O’Brien’ (Juta & Company Ltd, 2019)

the legal process, [so that they have] an ability to use that awareness in addressing problems or issues and to realise when help may be needed or where to go for assistance.”²⁸ Grealy et al. suggest that ‘PLE is closely aligned to access to justice and encouraging the public to increase their confidence and empower them to deal with law-related issues’.²⁹ The idea being that by increasing a community’s legal literacy levels, people begin to have more awareness of their legal rights and responsibilities.³⁰

For school children, PLE also has an important function. Arthurs’ research found, amongst other things, that high-school students who had received and participated in Street Law lessons had enhanced critical thinking skills, with improvements in their ability to interpret, assess and evaluate evidence and arguments.³¹ Arthurs argues that:

‘Effective civic education engages and involves students in civic life and prepares them to be invested and active citizens. Effective civic education gives students a voice and empowers them...Effective civic education is also one of the best platforms to teach students the 21st Century Skills they will need to work together to solve tomorrow’s problems.’³²

c) The known effectiveness of Street Law in Enhancing Student Skill Development

There is an evolving, yet relatively small, academic body of literature which has aimed to assess the effectiveness of Street Law for the students who design and deliver the presentations. Grimes et al. note that Street Law provides the ‘benefit of hands-on education’³³ and that ‘Law students not only learn the relevant substantive law and related procedures, but also address innovative teaching strategies to prepare, develop, and deliver their Street Law classes’.³⁴

A study by Perdue and Wallace et al. which received 63 responses from Street Law students from across six countries (USA, Ireland, UK, Czech Republic, Uzbekistan, and Pakistan) found that:

‘Street Law provides significant and often unique benefits for law students, including developing vital cultural competency skills, practicing legal communication with non-lawyers, and cementing content knowledge in a non-academic environment’.³⁵

Perdue, Wallace and others found that ‘cultural capital’ came from engaging with the community, and seeing how law applies outside of the classroom, noting:

‘Street Law gives law students a real and tangible way to interact with their community. By moving beyond the theory and formality of the law school environment and connecting law students with a diverse set of young people....Designing Street Law lessons gives students the

²⁸ Richard Grimes, ‘Public Legal Education: The Role of Law Schools in Building a More Legally Literate Society’ (Taylor & Francis Group, 2021) p3.

²⁹ For a helpful summary of ‘What is public legal education?’ see: Freda Grealy, Steve Collender, John Lunney and Rory O’Boyle ‘Education, Empowerment and Access to All - Public Legal Education and Massive Open Online Courses at the Law Society of Ireland’ (2019) 3(1) International Journal of Public Legal Education 3, 6.

³⁰ See: Richard Grimes, ‘Evaluating legal literacy programmes – aims, challenges, models and a call to action’ (2018) 2(1) International Journal of Public Legal Education 28.

³¹ Sean G. Arthurs, ‘Street Law: Creating Tomorrow’s Citizens Today’ (2015) 19(1) Lewis & Clark L Rev 925

³² Ibid, 960

³³ Richard Grimes, Ed O’Brien, David McQuoid-Mason and Judy Zimmer, ‘Street Law and Social Justice Education’ in Frank Bloch, The Global Clinical Movement: Educating Lawyers for Social Change, (OUP, 2011) 225, 228

³⁴ Ibid, 230

³⁵ Ben Perdue and Amy Wallace, ‘Preparing Lawyers for Practice: Developing Cultural Competency, Communication Skills, and Content Knowledge through Street Law Programs’ (2021) Journal of Legal Education 95, 96

opportunity to think critically...about the law, the societal context that gave rise to our legal system, and their own role within this legal system'.³⁶

Other findings from Perdue, Wallace and others' study are that students considered that Street Law programmes provided them with a valuable and unique preparation for a career within the legal profession, with skills enhancements in explaining legal topics to lay audiences, public speaking, building legal knowledge, research, and the development of community connections.³⁷

A small-scale study by Bracken found that law students participating in a Street Law programme at the University of Limerick were more confident in their legal skills following completion of the project. Improvements were noted in time management, research skills, presentation skills, the ability to simplify legal language for a non-legal audience, and enhanced confidence in their own skills.³⁸

Similar skill-development benefits of participating in Street Law were found in a study by Draslarova.³⁹ After receiving 103 responses from students who had engaged in the Street Law programme at Charles University in Prague, research by Draslarova found that Street Law can act as an efficient tool for enhancing skills that are beneficial for legal practice. This includes improved ability to transfer legal information to a non-lawyer (with 60% of students in the study identifying they had improved this skill, and another 34% of students noting that it is 'likely yes' that this improved) and presentation skills (with 60% of students identifying they had improved this skill, and another 35% of students noting that it is 'likely yes' that this improved). In addition, Draslarova found that Street Law has the potential to deepen and extend a student's legal knowledge and enhance a student's values, noting 'the extra value of the Street Law course is that students can reflect on law as a system, its social function, professional responsibility of lawyers and the relationship between law and non-lawyers.'⁴⁰

Golob's research, which surveyed 49 law students from across 10 law schools in the USA, found, amongst other things, that Street Law has positive effects on how students approach their learning, including improving retention of legal material; providing students with practical lawyering experiences; reminding law students that learning is enjoyable; redefining success in both academic and professional environments; development of soft skills, including effective lawyering skills; and the ability to see the world through the eyes of others.⁴¹

The evolving literature therefore suggests that there is a wealth of benefits for students participating in Street Law projects, but it can be argued that more evidence is needed to support the hypothesis that specifically working with, and for the benefit of the public, through a student community engagement project has learning benefits for the students involved. It should be noted however that the study in this article has focused directly on the students' perceptions of the value of community engagement for their own learning. Future research would be needed to make a comparison with students who study a law degree without completing any public legal education or community engagement, to determine fully the contribution of community engagement activity to the enhancement of a student's learning and legal capabilities.

³⁶ Sean Arthurs, Melinda Cooperman, Jessica Gallagher, Freda Grealy, John Lunney, Rob Marrs & Richard Roe, 'Is it possible to go from Zero to 60? An evaluation of one effort to build Belief, Capacity, and Community in Street Law Instructors in One Weekend'. (2017) 1(1) International Journal of Public Legal Education 19-81, 27

³⁷ Perdue (n 25), 95-124

³⁸ Lydia Bracken 'A case study on the impact of a capstone Street Law teaching project' (2022) 56(2) The Law Teacher 206, 216

³⁹ Hana Draslarova 'Street Law as a unique learning method: What do students themselves actually find to be its benefits? Answers from the Czech Republic' (2019) 3(1) International Journal of Public Legal Education 123

⁴⁰ Ibid, 137

⁴¹ Brandon Golob, 'Student in the Seats, Teachers in the Streets: Evaluating the impact of Law Students Becoming 'Street Law' Teachers' (2021) 5(1) International Journal of Public Legal Education 37-93, 54

Part 2 - How is Street Law delivered at Lancaster University?

Street Law is offered at Lancaster University Law School as both a third-year undergraduate, and a postgraduate, optional assessed module which takes place across two 10-week terms. The module allows students, working in teams (group sizes are generally between 3-4 students), to research an area of law that they are often unfamiliar with. They use this research to design talks, lessons or podcasts with the aim of educating the public about legal rights and responsibilities.

The Street Law module at Lancaster University is structured so that students research, design and deliver Street Law lessons to school pupils in the first term. The lessons are aimed at Year 9 pupils (aged between 13-14 years) and are delivered to approximately 30 pupils in each class. The topics are selected by the school and fit within the school's Personal, Social, Health and Economic (PSHE) curriculum.⁴² Examples of topics that have been delivered in the past include knife crime, drugs and the law, social media and the law, human rights, and how the English legal system works.

Despite the topics being chosen by the school, the content and format of the lessons is created by the students, following a period of training (discussed later in this article). As a team, students decide how to structure the lesson, how to construct the lesson plan, what content to incorporate, how to make the session interactive, and how to distribute the roles between themselves. Students are educated about 'teaching' approaches that are useful for community members. Examples include creating learner-centred classrooms and creating learning activities that utilise active learning approaches (discussed in detail below). Learner-centred classrooms, where the school pupils receiving the Street Law lessons are placed at the heart of the activities delivered, rather than purely focusing on the student delivering the lesson, are noted as a way of engaging participants. Through developing learner-centred experiences and activities, it is argued that the school pupils gain more knowledge and are better able to apply that knowledge to new contexts, which is needed in the Street Law context as community participants take the knowledge they have learned and apply it to their own circumstances.⁴³ Students also receive training on adapting legal jargon for a non-law audience, which is particularly important so that the community members can understand and potentially apply the legal knowledge learned to their own circumstances.

Although students are given an element of freedom over the content of sessions, they need to ensure that the material is relevant to the audience.⁴⁴ Lessons last for 45 minutes and are entirely student-led. However, a teacher from the school does remain in the class with the student group for classroom management purposes.

In term two, students either engage in a community-based presentation (such as to a community group or charity) or design a podcast to deliver public legal education on a wider scale.⁴⁵

Preparation of students

Prior to designing their Street Law lessons, students participate in a series of training sessions. All activities that are delivered in the Street Law training sessions have been designed to require the students to work in teams and actively participate. Active learning in basic terms is when a student

⁴² Department for Education, 'Personal, social, health and economic (PSHE- education)' at <https://www.gov.uk/government/publications/personal-social-health-and-economic-education-pshe/personal-social-health-and-economic-pshe-education> accessed April 2025

⁴³ Mostrom and Blumberg, 'Does learning-centered teaching promote grade improvement?' (2012) 37(5) *Innovative Higher Education* 397-415

⁴⁴ For ways to help students achieve this, see the helpful teaching resources in: Frances Ridout and Linden Thomas 'Street Law Theory and Practice (Hart Publishing, 2023) 77

⁴⁵ Lancaster University Law School 'Street Law Series Podcasts' accessed via Spotify on: <https://open.spotify.com/show/4YtmlldHRYGV73QolynoPd>

participates in their learning and does more than listening.⁴⁶ This is important as research suggests that when students actively participate in their own learning, there is a shift from teachers simply transmitting information to the students, and instead students engage in activities in order to develop their skills, knowledge and critical thinking skills.⁴⁷ Active participation is also at the heart of Street Law pedagogy with Grimes noting that ‘Engagement in Street Law means participation, not listening to lectures’.⁴⁸

Placing students in teams to design their Street Law projects is a strategic pedagogical choice due to the wealth of educational benefits teamwork offers. In order to assist the students with working in a team, students receive training on what makes a good, and conversely a poor, team. Lancaster University Film Production has created a series of videos which can be accessed via YouTube, which show examples of good and poor teamwork⁴⁹. These videos are readily available and are used to facilitate class discussion on the advantages of teamwork, but also the difficulties that can arise and how these difficulties can be remedied. They are made by students, for students.

Working in teams not only allows for active participation, but affords students opportunities to discuss ideas, share creativity, seek peer feedback and develop a sense of community.⁵⁰ There are common themes throughout existing literature that teamwork enhances inter-personal skills, communication skills, negotiation, conflict-resolution, decision-making, time management and problem-solving skills.⁵¹

It can be argued that these skills are difficult to develop in lectures and higher education structures more generally, where the focus is traditionally on didactic approaches and passive learning.⁵² However, by offering students the opportunity to engage in teamwork as part of their learning experience, there is often a shift from the teacher-centred learning in ‘traditional’ law teaching towards student-centred learning,⁵³ with students being encouraged to participate as independent learners and gaining ‘autonomy’ over their work.⁵⁴ Autonomy in learning creates the notion of deep learning which ‘...is almost universally recognised as the goal of educational practice in Higher Education’.⁵⁵ Campbell argues that ‘Deep learning encourages active participation, promotes autonomous learning and allows dynamic formation of knowledge and understanding.’⁵⁶ With this in mind, when designing their lessons for delivery to the school children, students also ensure that the activities they create employ active learning strategies and encourage the pupils to work in teams.

⁴⁶ G.F. Hess ‘Seven Principles for Good Practice in Legal Education’ (1999) *Journal of Legal Education* 367, 401

⁴⁷ Rohan Havelock ‘Law studies and active learning: friends not foes’ (2013) 47 (3) *The Law Teacher* 382, 385

⁴⁸ Richard Grimes, Ed O’Brien, David McQuoid-Mason and Judy Zimmer, ‘Street Law and Social Justice Education’ in Frank Bloch, *The Global Clinical Movement: Educating Lawyers for Social Change*, (OUP, 2011) 225, 227

⁴⁹ A series of YouTube video designed by ‘Lancaster University Film Production’ offers useful resources for teamwork. <https://youtu.be/0-mjq9FHT3Y?list=PLdv1ZOL_9gD0uxX5oAWBBSelfr9r4skn8>accessed January 2026

⁵⁰ Sean Arthurs, Melinda Cooperman, Jessica Gallagher, Freda Grealy, John Lunney, Rob Marrs & Richard Roe, ‘Is it possible to go from Zero to 60? An evaluation of one effort to build Belief, Capacity, and Community in Street Law Instructors in One Weekend’. (2017) 1(1) *International Journal of Public Legal Education* 19-81

⁵¹ See for example: Elspeth Berry ‘Group work and assessment—benefit or burden?’ (2007) 41(1) *The Law Teacher* 19-36. See also: Sue Prince & Elisabeth Dunne ‘Group development: The integration of skills into law’ (1998) 32(1) *The Law Teacher* 64-78. And see: Sandra Clarke & Michael Blissenden, ‘Assessing student group work: is there a right way to do it?’ (2013) 47(3) *The Law Teacher* 368-381.

⁵² Havelock (n 47) 382-403

⁵³ Elaine Campbell ‘Transferring Power: A Reflective Exploration of Authentic Student-Centred Small Group Work in Clinical Legal Education’ (2015) 22(2) *Internal Journal of Clinical Legal Education* 1-31

⁵⁴ Elspeth Berry ‘Group work and assessment—benefit or burden?’ (2007) 41(1) *The Law Teacher* 19, 32

⁵⁵ Campbell (n 51), 1

⁵⁶ Campbell (n 51) 1

At the start of the module, students receive skills-based training in the following key elements:

- The Street Law methodology;
- The importance of PLE;
- Designing a lesson, including how to create a lesson plan, how to make lessons interactive and classroom management;
- Public speaking and communication skills;
- How to ‘translate’ legal language for a non-law audience;
- A research refresher;⁵⁷
- Reflection and reflective writing; and
- Teamwork.

Formative Feedback

Throughout the module, high levels of formative feedback are given to the student teams when designing their lessons. Formative feedback is the process of monitoring the development of student learning, whilst also offering support for that learning.⁵⁸ In the module, ‘student-led formative feedback’ meetings are used and occur weekly with the tutor.⁵⁹ Each week students rotate to be the ‘leader’ of the team. The leader is tasked with keeping the team ‘on track’ that week with the development of their presentation resources, and for submitting the team’s work in advance of the meeting with the tutor. This allows the tutor time to supervise the Street Law lesson design in advance of meeting with the students. During the meetings students can identify any areas with which they feel they need tutor support or guidance.

The aims of the ‘student-led formative feedback’ meetings are fourfold. Firstly, formative feedback is noted as one of the most useful ways of improving student learning and development in Higher Education.⁶⁰ This method encourages students to be independent learners, with guidance rather than control offered by the tutor. Secondly, due to a different student being allocated the role of team leader each week, students gain experience of leadership. This is important, as learning how to be a leader is not often covered in a traditional law curriculum but is important for employability.⁶¹ Thirdly, tutors can ensure that the content of the presentations being prepared can be used by the public, reassured in the knowledge that it is accurate, it has been supervised and that it has been designed and created to a high standard. Fourthly, the tutor can also use the process to monitor team dynamics, ensuring that all students are participating and contributing equally.

Prior to delivery in the school setting, students also engage in a rehearsal presentation where the tutor provides further formative feedback. Delivering a presentation to members of the public will be an

⁵⁷ We invite the University’s Law Librarian to deliver a refresher training session for the students. The students should already be familiar with how to conduct legal research; however, we encourage the Street Law students to also engage with ‘practitioner’ type research databases. We use Lexis PSL and Thomson Reuters ‘Practical Law’ as these are often used within law firms and therefore provide the students with some ‘workplace’ experience. These resources also offer some practical examples of how the law can be applied to everyday scenarios.

⁵⁸ P. Black & D. William ‘Assessment and classroom learning’. (1998) 5(1) *Assessment in Education: Principles, Policy and Practice* 7-74

⁵⁹ Francesca Jackson, Nadia Patel & Kathryn Saban ‘Showcasing Street Law: The importance of students and staff working in partnership to provide and receive formative feedback’ (2025) 9(1) *International Journal for Students as Partners* 251-260

⁶⁰ A. Irons, ‘Enhancing Learning through Formative Assessment and Feedback’ (Routledge: New York, 2007).

⁶¹D. Polden, ‘Educating law students for leadership roles and responsibilities’. (2007) 39(1) *University of Toledo Law Review*, 353–360.

unfamiliar form of assessment for most (if not all) students who are studying this module. Providing formative feedback is essential to ensure that students feel comfortable and prepared for the delivery of the lesson in the school and for their summative assessment, discussed below.

The day of delivery

On the day of delivery, students travel to the school to present the lesson in the classroom setting. Whilst good communication links are kept with the school throughout the Street Law lesson design process, students have not visited the school previously, so there is an element of the students needing to be able to adapt and think on their feet. This often comes in the form of making adaptations to the material based on the layout of the classroom, the technology available on the day or the level of engagement from the pupils that are in the classroom.

The importance of interaction

To promote school pupil engagement, the Street Law lessons and talks are delivered by the students in an interactive way and encourage audience participation. Students can use their creativity to design ways of making the law engaging, fun, interactive, yet remaining informative. For example, students have previously designed interactive activities such as scenarios, problem-based questions, worksheets, role-plays, mini mock trials, games, videos, negotiations, debates, plenaries and quizzes. In the past, students have even delivered a full school lesson using the format of a TV gameshow or have used the lyrics in music to emphasise key legal concepts. At the end of the lesson, students collect feedback from the school pupils and from the schoolteacher. Feedback is collected about the usefulness of the activities designed, rather than how the students themselves performed.⁶² The feedback is not used for assessment purposes but does aid the students with reflecting on their experiences.

Assessment

Students on the module are assessed by way of a presentation and a portfolio. The presentation assessment focuses on the student's skills in public speaking and communication. The portfolio consists of the work completed throughout the project such as a research report, a reflective journal documenting the student's learning throughout the module and an evidence section, which includes all the resources the student has individually prepared. The idea behind this is that each student needs to be able to show that they have contributed to the progress, development and creativity of the resources used within the school. Although students work on the project as a team, individual grades are given for the work produced. This is essential so that students remain responsible for their own section of the work, alleviating any risk of students acting as a 'passenger' within the group environment.

Quality not quantity

Each academic year, the number of students enrolled on the Street Law module is small. For instance, in the academic year 2022/23 there were 22 students (15 undergraduate and 7 postgraduate) and in 2023/24 there were 12 students (11 undergraduate and 1 postgraduate). Students are required to apply for the module, due to the limited number of spaces on the module and to ensure that they have grasped the requirements and professional responsibilities of producing work for the benefit of the public. Places are limited as there is only one member of academic staff convening and teaching on the module, and there are currently only a set number of classes to present to (approximately seven different lessons are delivered to around 210 Year 9 pupils each academic year).⁶³

⁶² We considered that it would be inappropriate to ask school pupils to comment on the delivery/public speaking skills of the students involved, but instead they are asked to comment on what they learned, and which activities were helpful. The schoolteacher, however, often provides feedback to the students about what worked well with the class. The Street Law tutor is also present in all school sessions, so can provide feedback about performance.

⁶³ This could be scaled up; however, it would need a greater level of staff input.

Part 3 - Methodology

This research study received ethical approval from Lancaster University's faculty ethical research committee. The study aimed to explore the value for participating students in engaging in a Street Law module, specifically with reference to the benefits, if any, of community engagement as a learning mechanism. This article reports on data collected over two academic years, with two different Street Law cohorts (participating students from the 2022/2023 cohort and the 2023/2024 cohort).

In the academic years 2022/23 and 2023/24, the author invited students from the Street Law modules to complete an online *Qualtrics* survey. The survey was distributed to students via email. All participants were self-selecting, and they provided informed consent to take part in the study. Before agreeing to participate in the study, students were made aware that the responses provided would be anonymous and no identifying data would be collected. In addition, it was expressly made clear to the students that the process was voluntary, and their involvement (or non-involvement) would have no bearing on their academic grades.

The surveys were distributed to the students after term one, once the students had presented in the schools. They were not distributed at the end of the module as students in the academic year groups who were surveyed opted to complete a podcast in term two rather than an in-person presentation. The focus of this study included the value of presenting to the public in a face-to-face setting and therefore it was important to capture the results immediately after term one.

The research methodology was designed to focus on the students' views, opinions and their own perceived benefits of participating in community engagement through Street Law. This is particularly important as insights into matters such as level of engagement, work ethic, and perceptions of one's own confidence in skills development can only be ascertained from the students themselves.

Questionnaires were used as they allowed the students to provide anonymous responses and they are known to be useful when researchers are attempting to consider overall patterns amongst respondents, where willing respondents can be relatively easily identified and where the researchers have sufficient insight at the start of the project in order to write meaningful questions in the survey itself.⁶⁴ This was the case for this project.

Of the 34 students who participated in the Street Law module across both academic years in 2022/23 and 2023/2024, fourteen respondents completed the survey fully (a 41% response rate). However, the survey allowed respondents to complete some sections and not others. Questions relating to community engagement drew thirteen responses (a 38% response rate). Only students who had presented externally could complete the elements of the survey relating to the community engagement due to the nature of the questions asked.

Limitations of the study

It is suggested that the findings from this study will help to enrich the research and scholarship relating to Street Law and will contribute to the discussion about the beneficial effect of community engagement, specifically relating to participating in a Street Law module. Whilst it is not possible to state with any certainty that the experiences highlighted within this study will be generalised across Law Schools and experienced nationally and internationally, links can be drawn between this research and projects that have come before it (please see discussion below for details).

⁶⁴ We used the guidance in Jenny Rowley 'Designing and using Research Questionnaires' (2014) 37(3) Management Research News 308

It is recognised that the survey sample size is small and is gathered from one Law School. This is partly due to the nature of the small size of the Street Law module.⁶⁵ It is also acknowledged that the voluntary nature of completing the survey may have also led to some of the students with more positive views about the Street Law module taking the time to complete the survey. It is also acknowledged that data has only been gathered from the students themselves. However, for this project this was intentional, as the project focuses on the perceived benefits for students when they work on community engagement projects. Also, by collecting data (both quantitative and qualitative) from two separate cohorts, over two academic years, stronger patterns have emerged. The data collected therefore contributes to an emerging field of work to assist with the improvement and evaluation of clinical programmes, specifically relating to public legal education.

Part 4 - Findings & Discussion

a) Learning benefits associated with community engagement

Students were provided with a series of statements about their views on the perceived learning benefits from participating in community engagement and were asked to rate their responses using a 5-point Likert scale of 'strongly agree', 'agree', 'neither agree nor disagree', 'disagree' or 'strongly disagree'.

The findings in this section of the study show that participating students considered that by designing and delivering a project specifically aimed at benefitting the public, this led to increased engagement in the module, increased work ethic and provided students with a valuable learning experience.

Engagement:

Students were asked to rate themselves against the statement: 'Knowing that my work was to be presented to the public increased my engagement with the Street Law module'. This yielded entirely positive responses. 84.62% of responses (11 students) stated that they 'strongly agreed' with this statement with the remaining 15.38% (2 students) stating that they 'agreed'. Student engagement can be described as 'the extent to which students are engaging in a range of educational activities that research has shown as likely to lead to high quality learning'.⁶⁶ Students engagement is essential in Higher Education as it helps with productive learning, academic attainment and retention of students.⁶⁷ It is therefore noteworthy that community engagement, particularly through Street Law, can have a positive effect on a student's engagement within a project. The results here suggest that by working on community engagement projects, this leads to students increasing their level of engagement with a module.

Delivering the presentation to the public:

Students were asked to consider the following statement: 'Delivering a presentation to members of the public was a valuable learning experience'. 100% of students who answered (13 students) stated that they 'strongly agreed' with this statement. This is an overwhelmingly positive finding, particularly considering research suggesting that University students often find oral communication skills challenging, particularly in the context of delivering presentations.⁶⁸

Traditionally, oral assessment and the delivery of presentations have not featured prominently in the undergraduate law degree, with the written essay being favoured as the main mode of assessment. This may be because it has been argued that 'academics and the [legal] profession alike might see

⁶⁵ It should be noted that it is not unusual for Street Law projects and research to be small in scale.

⁶⁶ See Hamish Coates, 'The value of student engagement for higher education quality assurance' (2005) 11(1) *Quality in Higher Education*, 25-36, 25.

⁶⁷ *Ibid*, 25-36

⁶⁸ R. Grieve, J. Woodley, S.E. Hunt, & A. McKay, 'Student fears of oral presentations and public speaking in higher education: a qualitative survey'. (2021) 45(9), *Journal of Further and Higher Education* 1281–1293.

written skills as the ‘gold standard’ in terms of academic rigour’.⁶⁹ It has also been noted in the literature that students find delivering presentations difficult. Research conducted by Grieves and others suggested that students experience high levels of anxiety, particularly social anxiety, in university learning situations, particularly when they are asked to participate in any form of public speaking. Grieves and others note that students experience the fear of being judged when speaking out loud, and can be concerned about physical symptoms from their nerves associated with public speaking, such as going red, sweating or shaking when asked to speak.⁷⁰ Additionally, research by Russell and Cahill-O’Callaghan found that whilst students do recognise the value of discussion, speaking in class and oral presentations, many students did not enjoy the experience, with a lack of confidence creating a barrier to participation.⁷¹

However, it is pleasing to see that this study suggests that students do find the process of delivering a presentation, particularly to members of the public, as being a valuable learning experience, and, as demonstrated in the discussion below (see Knowledge & Skills Development), as a way to develop their key social and interpersonal skills. This would suggest that students should be afforded opportunities to deliver presentations (in any format, but in this context particularly to external agencies and members of the public). This skill is likely not only to serve students well in their studies but also in their future employment. For instance, several studies have highlighted the importance and value that employers place on oral communication skills in graduates. Archer and Davison, for example, found that communication skills were the most highly prized skill by employers when recruiting graduates.⁷² However, current academic literature suggests that there remain concerns that law graduates are not sufficiently prepared for graduate employment, including the legal profession.⁷³ Some academics suggest that this might be due to law assessments placing too much weight on the skill of writing essays alone rather than also promoting oral communication skills, such as presentation delivery.⁷⁴ Affording students opportunities to participate in community engagement, specifically by delivering a presentation, could assist with alleviating this issue, at least in part.

Designing the project:

By way of a comparison, interestingly, there were more mixed responses to the statement ‘Designing a project which benefitted members of the public improved my learning.’ Whilst the responses remained entirely positive, only 69.23% (9 students) ‘strongly agreed’ with this statement and the remaining 30.77% (4 students) ‘agreed’. This could suggest that whilst students considered the act of delivering the presentation to the public a valuable learning experience, the designing of the project for the public benefit, whilst still perceived in a beneficial light, was rated less strongly as an effective learning tool by the students. Students were not asked for their reasons here; however, it may be that the gravity of standing in front of a live audience adds a greater level of pressure for the students to be prepared and know the material that they are delivering. Consequently, this may lead students to

⁶⁹ Chloe J. Wallace, ‘Using oral assessment in law: opportunities and challenges’ (2010) 44(3) *The Law Teacher* 365, 366

⁷⁰ Grieve (n 68), 1281–1293.

⁷¹ Roseanne Russell & Rachel Cahill-O’Callaghan ‘Speaking in the classroom: the impact of gender and affective responses on oral participation’ (2015) 49(1) *The Law Teacher* 60-72. See also: See L Clouder and J. Toms ‘Impact of oral assessment in physiotherapy students’ learning in practice’ (2008) 24(1) *Physiotherapy Theory and Practice* 29-42 which suggests that dialogue during oral assessments can increase student anxiety.

⁷² William Archer and Jess Davidson ‘Graduate employability: what do employers think and want?’ (2008) *The Council for Industry and Higher Education (CIHE) London*, p7.

⁷³ Jenny Knox and Melanie Stone ‘Embedding employability skills for the legal professionals of the future’ (2019) 53(1) *The Law Teacher* 90-101

⁷⁴ Chloe J. Wallace ‘Using oral assessment in law: opportunities and challenges’ 44(3) (2010) *The Law Teacher* 365-377, 366.

perceive that the delivery of the presentation is a more valuable learning experience than the design of the material presented.

Work Ethic:

The students were asked to rate themselves based upon the following statement: 'Knowing that my work was to be presented to the public made me work hard in the Street Law module'. The responses to this statement suggest that creating a project for the public had a positive effect on the students' work ethic on the module. 92.31% of responses (12 students) stated that they 'strongly agreed' with this statement and 7.69% (1 student) opted for 'agree'. It is important to note that the students were not given a definition of what 'working hard' means, so it has been left somewhat to them to define their own interpretation of 'working hard' i.e. for them to compare their work ethic on the Street Law module, versus how they work on their other law modules.

It could be argued from these findings that the fact the students prepare work for an external source places additional requirements on the students to 'work hard' on the module. The students on a Street Law module are aware that they are creating a project in order to educate the public about their legal rights and responsibilities. They are also aware of the importance of ensuring its accuracy so that the public can rely on the resources prepared. In addition, they know that they must stand in front of a live audience and deliver the material prepared. They have a definite deadline, as they must ensure that all their work is completed to a high standard by the date set by the school for the delivery of the lesson. This 'pressure' therefore appears to be correlating with the effort put into the module by the participating students.

b) Knowledge and Skills development

Students were given a series of statements about whether participating in community engagement through presenting to the public had a perceived positive effect on their legal knowledge and their skills development. Responses from students demonstrate that preparing a project for the community has perceived benefits both in terms of advancements in legal knowledge and in skill development.

Knowledge:

Students were asked to consider the statement: 'delivering a presentation to the public has developed my understanding of the law'. This yielded entirely positive results. 75% of students (9 students) stated that they 'strongly agreed' with this statement and 25% (3 students) stated that they 'agreed'. In seeking to understand this positive response, the author surmises that being required to teach law to school pupils incentivised students to have a good knowledge of the relevant legal topics so that they could explain them clearly and answer pupils' questions appropriately. In addition, students had been tasked with researching the relevant area of law and were required to use their research to design the lessons accordingly.⁷⁵ Through this process, their understanding and knowledge of the law has developed.

Skills:

The students were given a series of statements regarding the development of various legal skills. Students were asked to rate themselves based upon the following statement: 'Delivering a presentation to the public has...' Table A, below, shows the responses given by the students. It should be noted that none of the students selected Likert scale responses of 'neither agree nor disagree' 'disagree' or 'strongly disagree' and therefore these have not been represented on the table below.

⁷⁵ See David Duran, 'Learning by teaching. Evidence and implications as a pedagogical mechanism.' (2016) 54(5) *Innovations in Education and Teaching International* 476 for an explanatory framework for 'learning-by-teaching' and a review of relevant empirical studies.

Table A: Responses by students to the statement: ‘Delivering a presentation to the public has...’

	Strongly Agree	Agree
a) ‘...developed my communication skills’	92.31% (12 students)	7.69% (1 student)
b) ‘...enhanced my ability to translate legal language for a non-law audience’.	84.62% (11 students)	15.38% (2 students)
c) ‘...developed my teamwork skills’.	83.33% (10 students)	8.33% (1 student)
d) ‘...developed my legal research skills’.	61.54% (8 students)	38.46% (5 students)
e) ‘...increased my confidence’.	69.23% (9 students)	30.77% (4 students)
f) ‘...developed my employability skills’.	83.33% (10 students)	16.67% (2 students)

These results suggest that by engaging in community engagement the Street Law students in this study had been afforded an opportunity to develop useful lawyering and employability skills.

Communication & Translation of Legal Language:

The fact that students have highlighted such positive responses in both communication skills and translating legal language for a non-law audience is possibly an unsurprising finding, as previous research suggests that Street Law programmes help students to cultivate the skill of communicating complex legal issues to people in the community who are not necessarily familiar with such concepts. For instance, Golob’s research found that students who participate in Street Law gained increased confidence in explaining legal concepts for a non-law audience, compared with law students who did not participate in Street Law.⁷⁶

Students receive high levels of training during the module in relation to these skills and are given opportunities to practice and rehearse their presentations before delivery in the school. As part of this, formative feedback is offered to the students about ways in which they can ensure that they are ‘translating’ their language appropriately for the Year 9 audience. An emphasis on communication, public speaking and translating legal language also features in the fact that the students participating in this study are assessed on their presentation skills, and therefore it could be suggested that this an area of skill development that the students decide to focus heavily upon.

Students also receive some informal feedback from the school’s teacher following the lessons regarding how they perceive the lesson went in order to aid with their reflections. The schoolteachers involved were not, however, surveyed as part of this study. External input would be advantageous for future research.

Teamwork:

Positive responses are also seen in respect of the development of teamwork. Working in a small team week after week towards a common goal to produce a Street Law lesson for school pupils appears to have been a useful learning experience. Working in teams is a useful learning strategy, as students need to communicate with one another, listen to each other’s ideas and engage with leadership and delegation to share the workload.

⁷⁶ Golob (n 41) 65. See also discussion in: R. Roe ‘Street Law Clinics at Georgetown University Law Center, Washington, D.C., and Others. ‘The Education Pipeline to the Professions: Programs That Work to Increase Diversity.

This study therefore concurs with much of the academic literature that confirms that providing opportunities for teamwork allows for a useful learning experience. For instance, although not Street Law focused, Clarke and Blissenden advocate that teamwork allows for greater autonomy for student learning and ultimately a deeper learning experience:

‘Students are able to have greater autonomy over their education and subsequently their learning outcomes; there are greater opportunities for a deeper generic or soft skill development; greater opportunities for active and interactive learning of the substantive content; and peer tutoring which enables students to learn in a way not usually dealt with in the classroom context.’⁷⁷

Legal Research:

Advances were also noted by the students in terms of their legal research skills. For this, students are encouraged to engage with traditional legal research databases, but also to use practitioner focused databases.⁷⁸ In this sense, the aim is twofold. Firstly, to give students the benefit of how they might research if they enter the legal profession and secondly, to adapt the law in theory to a practical and real-life setting, including adapting complex legal concepts for community members of different ages and within different socioeconomic and cultural contexts. This means that the students must make the law relevant and understandable to the audience receiving the Street Law presentation.

Confidence:

It is extremely positive that students considered that engagement in Street Law had improved confidence levels. The author suggests that this could be because students work in small groups, get to know their peers well and are afforded numerous opportunities throughout the module to practice and hone their skills. Students also usually receive very positive feedback from the school children that they work with, therefore gaining a feeling of success. Thereby, it could be suggested that all these factors in turn improve their confidence levels. It would be interesting for the theme of ‘confidence’ to be further explored in future studies.

c) Community Engagement - Qualitative Responses

Students were asked to answer open-ended questions as part of the survey, to capture further insight and gain qualitative data. Students were asked to reflect on their views about whether it is important for the public to be educated about their legal rights and responsibilities. All students who answered this section of the survey (14 students) considered that it was. The responses received from the students largely focused on three key areas (1) for the law to offer ‘protection’ to members of the public, (2) to alleviate problems caused by cuts to legal aid and (3) to make law accessible.

Several of the students commented that it was important for the public to be made aware of their legal rights and responsibilities so that the law could afford the public ‘protection’, with the suggestion from students that an increase in legal knowledge could prevent people facing injustice. For example, one student noted: ‘It is incredibly important that people are aware of their rights; knowledge of these gives you power to protect yourself against any unfair treatment’. Another stated: ‘It is important as it creates an understanding of the legal system and helps to prevent injustices stemming from an absence of knowledge’ and a third student reflected, ‘Having legal knowledge can help members of

⁷⁷ Sandra Clarke & Michael Blissenden, ‘Assessing student group work: is there a right way to do it?’ (2013) 47(3) *The Law Teacher* 368, 372.

⁷⁸ As detailed earlier in the article, Law students engage with ‘practitioner’ type research databases such as Lexis PSL and Thomson Reuters ‘Practical Law’ as these are often used within law firms and therefore provide the students with some ‘workplace’ experience.

the public become more aware of their rights which can help them avoid cases of legal injustice'. The ideas raised in the student responses link in with the global aims of Street Law, that by delivering lessons to the community 'Street law helps people to understand how the law works and how it can protect them'.⁷⁹

Students also focused on the importance of the public being legally literate in the face of cuts in legal aid system.⁸⁰ In England and Wales, the introduction of the Legal Aid Sentencing and Punishment of Offenders Act 2012 has been described as 'devastating the legal aid system'.⁸¹ This has resulted in people not being able to gain publicly funded legal advice, an increased number of litigants in person, and law centres closing down.⁸² Participating students learn about the legal aid system in the first year of their law degree, and so it is interesting that this idea is still prevalent for the students in their third year and postgraduate studies. For example, one student noted, 'Free legal aid is sparse, and many people wouldn't know how to access it anyway' with another student commenting: 'cuts to legal aid mean many people are denied free access to a lot of legal information'. These views are not novel to this study, with research conducted by Ashton also noting that the students involved in her project acknowledged the importance of the work they had completed due to helping the community, particularly considering legal aid cuts. Ashton noted that her students were 'aware of the disconnect between legal education and the legal profession and many communities, particularly with funding cuts to legal aid and charitable services in recent years'.⁸³

Legal aid cuts are usually not a focus of term one's project, where the presentation is delivered to school children, but the topic does feature strongly for term two projects which involve presentations to the community and legal podcasts. It is likely that at the time of the completing the survey the students were beginning to think about their second Street Law project, where the impact of legal aid cuts could be seen more drastically, and therefore this has influenced their responses. Again, these ideas link in with the global aims of Street Law which is to offer free legal information and improve legal literacy for the community.

Other students acknowledged the role that Street Law plays in making law accessible, with one student offering a particularly interesting insight 'I think it's fairly common for people to think of law as elitist and inaccessible, I think streetlaw aids the community to change that opinion and get them engaged'. This is a particularly important role of Street Law for the community given that research by the Law Society found that only 1 in 5 members of the community consider that they can access to justice.⁸⁴ It can also be said that the student responses suggest that by engaging in community engagement projects, students are given an opportunity to see how the legal system impacts people in everyday life, outside of the classroom walls.

⁷⁹ David McQuoid-Mason 'Street Law as a Clinical Program: The South African Experience with Particular Reference to the University of KwaZulu-Natal' (2008) 17(1) Griffith Law Review, 27-51, 27

⁸⁰ The Law Society, 'LASPO Act' (January 2025) <https://www.lawsociety.org.uk/topics/legal-aid/laspo-act> accessed April 2025

⁸¹ The Law Society 'A decade of cuts: Legal aid in tatters' (March 2023) <https://www.lawsociety.org.uk/contact-or-visit-us/press-office/press-releases/a-decade-of-cuts-legal-aid-in-tatters> accessed April 2025

⁸² The Law Society 'A decade of cuts: Legal aid in tatters' (March 2023) <https://www.lawsociety.org.uk/contact-or-visit-us/press-office/press-releases/a-decade-of-cuts-legal-aid-in-tatters> accessed April 2025

⁸³ Jeanette Ashton 'Streetlaw at Sussex One Year On: Where did we come from, How Far Did We Get and where are we going?' (2024) 31(2) International Journal of Clinical Legal Education 32, 60

⁸⁴ The Law Society, 'Only one in five believes they can access justice' (August 2024) <https://www.lawsociety.org.uk/contact-or-visit-us/press-office/press-releases/only-one-in-five-believes-they-can-access-justice> accessed April 2025

d) Should law students deliver PLE?

All students who answered this section of the survey considered that law students should deliver PLE (13 students). It should be noted, however, that the delivery of PLE is not a requirement for completion of a law degree or the vocational stage of legal training in England and Wales (for example, before entering into the legal profession). For those students who do not select Street Law as an optional module, or any other similar clinical legal education module, the reality is that they will miss out on this important learning opportunity. For this section of the survey, students identified the dual function of the Street Law learning model, which aims to benefit both the student and the community. One student noted:

'I think it [is] important for the law students themselves to deliver public education, because for me from a personal perspective it enabled me to have a deeper understanding of the law as I translated legal terms into language that was accessible for the relevant audience...it is also beneficial to the community to be able to access this free information in an understandable and engaging way.'

Other themes which emerged from the students' qualitative responses are detailed below.

Skills development:

Qualitative responses echoed those derived from the quantitative responses gained in this study. Respondents noted that offering public legal education to the community has enhanced their skills: 'it develops confidence and the ability to speak to other people' and 'it's benefiting [...] law students themselves by developing their public speaking and teamwork skills'.

Students linked the enhancement of their skill development with the skills they would need for their future employability. For instance, students commented, 'law students above all can use this as an opportunity to develop their interpersonal skills which is key in the profession' and 'Law students should be able to convey information to non-legal [audiences] as it is inevitable in the future that they will have clients who lack specialist knowledge'. Students stated that the fact they had worked with the community '...looks good to employers' and 'develops skills which are otherwise for many untouched. These skills are necessary for a successful career in any sector' with a third noting that delivering PLE'[s]eems to be the best way for people to learn...with crucial skills that they might need later in their education and career'.

The idea that Street Law projects can help with students developing their future employability skills is not novel to this study. Similar themes were identified in Ashton's research who noted that her students had identified developments in presentation skills, written and oral communication, teamwork and research and '...were able to link these skills to their future career paths'.⁸⁵ The competitive nature of the legal profession, coupled with an increasing number of law graduates entering the employment market, places pressure on universities to produce graduates who have the skills, attributes, and experiences to make them 'industry ready'.⁸⁶ Through responses gained in this study, it would appear that students place weight on their employability being improved through participating in community engagement projects such as Street Law.

To fill gaps in a 'traditional' legal education?

One student commented:

⁸⁵ Ashton (n 83) 60-61

⁸⁶ For discussion see: Jill Alexander and Carol Boothby, 'Stakeholder Perceptions of Clinical Legal Education within an Employability Context' (2018) 25(3) International Journal of Clinical Legal Education 53, 59. Also see: Andrew Francis, 'Legal education, social mobility, and employability: possible selves, curriculum intervention, and the role of legal work experience' (2015) 42 Journal of Law and Society 173, 174.

'I think it [Street Law] builds skills that are often left out of traditional legal education. For instance, most forms of assessment are essays and exams, which are important but do not help develop key skills like teamwork, public speaking, and practical legal research. So, [...] delivering public legal education [...] helps [students'] personal development and provides a deeper insight into how law works outside the classroom environment.'

Another student reflected, 'A mixture of theory and practical based learning is much more beneficial than merely just theory alone, it gives a taste of what working in the field of law is like.' For Law Schools, it is not a novel idea that they should assist students with cultivating professional lawyering skills to prepare for legal practice.⁸⁷ Whilst there has been an increased drive to enhance legal education over recent years through teaching and learning activities that are practical and promote active learning, it can be argued that modes of teaching and assessment in law remain overwhelmingly essay-based. For example, legal education has seen positive improvements with the growth in clinical legal education⁸⁸ and 'authentic' learning which focuses on learning being beneficial for the workplace⁸⁹ but there is still a sense that law graduates are not well enough prepared to enter the labour market.⁹⁰ By engaging in community engagement, it could be suggested that students are developing some of the skills needed when seeking graduate employment. This is particularly important as graduates want to enter the working world feeling equipped with the skills needed to thrive. However, the leap between undergraduate study to the demands of graduate employment, even taking account of the intervening vocational stage of training,⁹¹ is significant, with some academics suggesting that there is often a disconnect between the legal content taught on a law degree and the skills that are needed to succeed in graduate employment.⁹² By allowing students opportunities to learn beyond the classroom walls, it can be suggested that this allows students to prepare for skills and experiences they will need beyond their law degree.

To understand how law impacts the world outside of the classroom:

Students recognised the learning value of seeing how law operates outside of the university classroom. One student recognised that 'it gives them [students] an insight into the importance of PLE for the community', a second noted '[i]t's a great opportunity to teach about law whilst also understanding the law from a different perspective and putting it into real-life context' and a third student considered 'it allows students more practical experiences of working with individuals who may not have enough knowledge of legal matters'. Students also emphasised the importance for them in building connections with the local community, with students reflecting: '[i]t helps create a meaningful connection with the community, whilst providing the public with much needed legal knowledge' and '[i]t helps to forge a link between the university (which itself is partly publicly funded) and the local community'.

Similar themes were identified in Ashton's study, when considering responses from her inaugural Street Law students at the University of Sussex: 'all felt that working with Street Law had helped them to see the potential for law as a positive force to effect societal change, rather than as something

⁸⁷ Chad Christensen 'Preparing Law Students to be Successful Lawyers' (2020) 69(2) Journal of Legal Education 502-524.

⁸⁸ For example, see: Richard Grimes, Joel Klaff and Colleen Smith, 'Legal Skills and Clinical Legal Education - A Survey of Undergraduate Law School Practice' (1996) 30 The Law Teacher 44

⁸⁹ Sadie Whittam, 'Keep It Real: The Case for Introducing Authentic Tasks in the Undergraduate Law Degree' (2023) 33 Legal Education Review 127

⁹⁰ See discussion in: Jenny Knox and Melanie Stone 'Embedding employability skills for the legal professionals of the future' (2019) 53(1) The Law Teacher 90-101

⁹¹ For example, Bar Courses or Solicitors Qualifying Examination (SQE) preparation courses.

⁹² [Francina Cantatore](#), [David McQuoid-Mason](#), [Valeska Geldres-Weiss](#) & [Juan Carlos Guajardo-Puga](#) 'A comparative study into legal education and graduate employability skills in law students through pro bono law clinics' (2021) 55(3) The Law Teacher 314, 315

simply to be studied for their degree.⁹³ A similar theme emerged in Golob's research which found that Street Law provided students with an opportunity to see the world through the eyes of others.⁹⁴

Altruism:

All students who responded considered that law students should participate in community engagement projects (13 students). Student responses again focused on the importance of skill development (particularly in relation to developing, improving and overcoming fear of public speaking as discussed earlier in the article) and also considered the theme of altruism. Altruism is acknowledged in responses such as 'From a moral point of view, voluntary and pro bono work can help teach the importance of helping the community.' Another student stated, 'It gives something back to the community'. One student suggested a reason for this, noting: 'I think that studying in the classroom environment can often result in students feeling removed from the 'real' impact of the law. Thus, engaging in community engagement projects can help to remedy this.' The author speculates that a potentially advantageous outcome from creating projects for the advantage of the community in Street Law may be the positive difference the students consider they have made to the community they present to. The author intends to develop future research to further explore this hypothesis.

Conclusion

Community engagement provides a wealth of benefits to numerous key stakeholders including the community, universities, academic staff, students and prospective students alike. By surveying students participating in a Street Law Module at Lancaster University Law School over two academic years, this study has aimed to explore the value of engaging in a Street Law module, specifically with reference to presenting to members of the public and being involved in community engagement.

Whilst small in scale, the study has yielded extremely positive results, with students noting that participating in community engagement projects has been a valuable learning experience. Students saw increased engagement with the Street Law module, increased work ethic, increased legal knowledge and a wealth of skill development, including teamwork, legal research, communication and the ability to translate legal language for a non-law audience. In addition, this study has shown that Street Law encourages students to be active participants in their own learning. By utilising teamwork, students have learned through having autonomy over their learning and by engaging in student-centred approaches. Overall, students have identified that being active in their learning has allowed them to work on their own ideas, work on real-life scenarios, and understand how the law affects people in everyday life.

The fact that the community is at the heart of the Street Law project has allowed students to think beyond the walls of the classroom. The process has allowed students to start to appreciate how the law works in a wider sense, and the students have reflected on the purpose of law being to protect and advance access to justice. Students have realised that through the power of Street Law, and through sharing their knowledge and expertise with the community, they are advancing PLE, whilst also developing their own skills and employability skills.

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⁹³ Ashton (n 83) 59

⁹⁴ Golob (n 41) 75



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Reviewed Article

From Classroom to Courtroom: Enhancing Legal Education in India Through a Robust Mooting Culture

A Must Step for Robust Mooting Culture

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Abstract

In this paper we argue that a structured and compulsory mootng programme should become an integral element of legal education in India, particularly within the broader framework of Clinical Legal Education (CLE). Persistent criticism of Indian legal education has focused on the limited advocacy skills, professional readiness, and ethical awareness of new law graduates. Reports such as the *India Justice Report* have highlighted unequal access to skills training across institutions, particularly in areas such as mootng, research, and legal writing. Recent judicial observations regarding the preparedness of graduates for entry into judicial service further underscore the need for systematic reforms in legal education. Drawing on the evolution of CLE in India and on comparative experiences from jurisdictions such as the United States, the United Kingdom, Australia, South Africa, and Canada, this paper examines the pedagogical value of mootng and situates it within contemporary debates on experiential learning. It further explores the historical development of mootng in India, the structural challenges that hinder its widespread adoption, and the disparities that persist between elite and resource-constrained institutions. Based on this analysis, the paper proposes a set of reforms aimed at embedding mootng within CLE through national coordination, faculty development, financial support, and curricular integration. The objective is to demonstrate that mootng, when properly institutionalised, can contribute materially to producing competent, ethically grounded, and practice-ready lawyers in India.

Keywords: *Advocacy skill, Clinical Legal Education, Critical Thinking, Experiential Learning, Moot Court Competition, Mooting, Pedagogy.*

Introduction

Legal education throughout the world is in a state of transition, shaped by the accelerating forces of globalisation, technological advancement, and shifting societal expectations of the legal profession.¹ The traditional model of legal instruction, which was characterised by lectures, rote learning, and end-term examinations has been increasingly criticised for the inability to cultivate the skills required for

¹ NHS England. (2020). *The NHS long term plan*. NHS England.

contemporary legal practice.² New entrants to the legal profession are expected not only to master doctrinal knowledge but also to demonstrate analytical sophistication, persuasive communication, professional judgement, and ethical sensitivity.

Within this broader transformation, experiential learning has gained prominence. Among the various experiential methods, mooted simulated appellate advocacy occupies a particularly important place. Mooting requires students to research a legal problem, analyse conflicting authorities, prepare written submissions, and present structured oral argument before a panel acting as judges.³ The educational value of these exercises is considerable. Students acquire precision in legal research, clarity in argumentation, courtroom decorum, and the ability to respond to judicial questioning. These skills, essential to the vocation of legal practice, cannot be cultivated through lecture-based teaching alone.⁴

However, despite the recognised value of mooted, its distribution across Indian law schools remains highly uneven. While elite institutions such as National Law Universities (NLUs) and well-resourced private colleges have developed sophisticated mooted cultures, a large proportion of regional and resource-constrained institutions offer only limited exposure to moot courts. The *India Justice Report* and other studies have documented disparities in faculty expertise, infrastructure, funding, and placement opportunities, all of which shape student access to experiential training. Critics argue that these inequalities are reflected in the readiness of graduates entering the profession.⁵ This paper is written from the standpoint of academic engagement with Indian legal education, combined with direct involvement in mooted, student coaching, curriculum design, and observation of disparities across institutions. These experiences inform the paper's analysis of existing challenges and its recommendations for reform.

A second critical component of the contemporary pedagogical landscape is Clinical Legal Education (CLE). Globally, CLE is understood to encompass a range of experiential methods such as live-client clinics, simulations, externships, and skills laboratories, through which students learn to apply legal doctrine in real or realistic contexts. In India, CLE is formally recognised by the Bar Council of India's Legal Education Rules (2008),⁶ although implementation remains inconsistent. The connection between CLE and mooted is often acknowledged but seldom analysed with conceptual precision. Mooting is a simulated exercise rather than a live-client activity and it does not inherently include a social justice mission, which many scholars consider the cornerstone of CLE. Yet mooted nonetheless shares significant pedagogical ground with CLE; both emphasise active learning, reflective reasoning, courtroom skills, and professional identity formation.

Therefore, in this paper we examine not only the place of mooted within Indian legal education but also the question of whether mooted should be formally situated within CLE or treated as a complementary stand-alone pedagogical tool. The analysis proceeds through a historical overview of mooted in India, an assessment of comparative practices in other jurisdictions, and a detailed exploration of the structural barriers that impede the development of a uniform mooted culture. The paper concludes by proposing a series of reforms aimed at democratising access to mooted, strengthening CLE, and improving the overall quality and equity of Indian legal education.

² Krannich, J. M., Holbrook, J. R., & McAdams, J. J. (2008). Beyond thinking like a lawyer and the traditional legal paradigm: Toward a comprehensive view of legal education. *Denver University Law Review*, 86, 381–426.

³ Baskind, E. (2024). *Mooting: The definitive guide to a key legal skill*. Routledge.

⁴ Mathur, S. (2017). Evaluating skills development through moot courts. *Indian Journal of Legal Education*, 4(2), 54–68.

⁵ Tata Trusts. (2019). *India Justice Report 2019*. Tata Trusts.

⁶ Bar Council of India. (2008). *Legal Education Rules, 2008*. *Gazette of India*.

Conceptual Foundations

Understanding Clinical Legal Education

CLE has developed over several decades as a response to the limitations of traditional lecture-based legal instruction. In its classical form, legal education relied heavily on doctrinal exposition and examinations that assessed a student's ability to recall principles rather than apply them. Scholars working in the field of legal pedagogy, including Gary Bellow, Frank Bloch,⁷ Stephen Wizner, and Margaret Barry, have argued that such an approach fails to cultivate the practical judgement, ethical awareness, and analytical maturity required for professional practice.⁸ CLE thus arose from the recognition that students learn most effectively when they are placed in situations that demand active engagement with law in context.

CLE encompasses a broad range of experiential methods. The most prominent are live-client clinics, in which students work under supervision on real cases involving individuals or communities who often lack access to formal legal representation.⁹ Other forms include simulation-based courses, interview and counselling exercises, negotiation and mediation workshops, externships with legal institutions, and trial-advocacy programmes. Across these methods, CLE seeks to integrate skills development, ethical reasoning, and reflective practice.¹⁰ Through these activities, students are encouraged to consider the social implications of legal rules, the responsibilities of professional conduct, and the role of lawyers in promoting justice.

In India, CLE has been formally recognised by the Bar Council of India (BCI) through its Legal Education Rules of 2008 and the subsequent Mandatory CLE Guidelines of 2014 and 2019.¹¹ These regulations identify practical training as a compulsory component of legal education and list moot courts, internships, and legal-aid programmes as vehicles through which students may acquire experiential learning. While these provisions represent an important acknowledgment of the value of CLE, their implementation has varied widely. Several National Law Universities and well-resourced private institutions have established structured clinics, dedicated faculty, and partnerships with legal organisations, thereby offering students sustained opportunities for experiential learning. By contrast, many regional and underfunded colleges have found it difficult to meet even the minimum regulatory requirements, owing to constraints of infrastructure, staffing, and institutional support.¹²

The pedagogical objectives of CLE in the Indian context mirror those recognised internationally. CLE aims to build proficiency in core lawyering skills, promote ethical sensitivity, foster social responsibility, and strengthen students' capacity for independent and reflective reasoning.¹³ When effectively

⁷ Bloch, F., & Prasad, S. M. R. K. (1997, June). The cross-national trends of India and United States on institutionalizing a social justice mission to clinical legal education. *University of Washington Law Review*, 12–21.

⁸ Wilson, R. J. (2017). *The global evolution of clinical legal education: More than a method*. Cambridge University Press.

⁹ Boersig, J., Marshall, J., & Seaton, G. (2002). Teaching law and legal practice in a live client clinic. *Newcastle Law Review*, 6, 51.

¹⁰ Tanveer, A., & Kumar, R. (2025). *Clinical legal education: Bridging theory and practice through experiential learning and client-centered skills*.

¹¹ Ghosh, Y., & Chakraborty, A. (2025). Preparing lawyers for global legal practice: A road map for introducing mandatory continuing legal education in India. *International Journal of Clinical Legal Education*, 32(2), 37–52.

¹² Sharma, J., & Yadav, R. K. (2025, May 8). Navigating the digital frontier: The role of law school IP clinics in education, access to justice, and policy innovation. *Access to Justice, and Policy Innovation*.

¹³ Wilson, R. J. (2017). *The global evolution of clinical legal education: More than a method*. Cambridge University Press.

designed, CLE can bridge the gap between theoretical study and the practical demands of the profession. However, the success of CLE depends heavily on the presence of trained supervisors, clear learning outcomes, and adequate institutional resources. Where these are absent, CLE risks becoming a formal requirement discharged through token exercises rather than meaningful educational engagement.

A central issue in the Indian discourse on CLE is the relationship between clinical training and mooting. Although mooting is included among the BCI's mandatory practical components, many institutions treat it separately from live-client clinics. This divergence reflects broader questions about whether simulated exercises should be classified as clinical activities and whether they serve the social-justice mission commonly associated with CLE. To address these questions, it is necessary to examine mooting as a pedagogical method and to consider the ways in which it aligns with or diverges from the objectives of CLE.

Mooting as a Pedagogical Method

Mooting is one of the oldest forms of experiential learning in legal education and continues to be central to the development of advocacy skills. A moot court simulates appellate proceedings in which students prepare written submissions and present oral argument on a hypothetical problem.¹⁴ This activity requires students to research legal authorities, interpret statutes and cases, identify issues, construct reasoned arguments, and respond to judicial questioning. Mooting therefore engages both analytical and communicative skills and exposes students to the structure and discipline of appellate advocacy.

The educational merits of mooting are well recognised. Participation in moots enhances clarity of thought, precision in legal reasoning, and the ability to apply doctrine to complex fact situations. Moots also develop oral communication skills, courtroom etiquette, and confidence in structured public speaking. Through repeated rounds of practice and refinement, students cultivate habits of preparation, intellectual discipline, and critical self-reflection.¹⁵ Additionally, mooting introduces students to professional norms of civility, decorum, and ethical presentation, which are essential elements of legal practice.

Mooting further contributes to teamwork, as most competitions require collaboration between researchers, brief-writers, and oralists. It also encourages engagement with comparative and international materials, particularly in competitions that address cross-border disputes or specialised areas such as trade law, arbitration, or human rights.¹⁶ These experiences expand students' horizons and prepare them for participation in an increasingly interconnected legal world. Despite its value, mooting is inherently a simulated exercise and lacks certain elements characteristic of live-client work. It does not involve real clients, factual uncertainty, or direct exposure to the social realities that animate many legal disputes.¹⁷ Nevertheless, the intellectual rigour and communicative discipline cultivated through mooting place it firmly within the wider landscape of experiential learning.

¹⁴ Snape, J., & Watt, G. (2010). *How to moot: A student guide to mooting*. Oxford University Press.

¹⁵ Parsons, L. (2016). Competitive mooting as clinical legal education: Can real benefits be derived from an unreal experience? *Australian Journal of Clinical Education*, 1.

¹⁶ Wishart, G. (2024). Mooting: An undergraduate's perspective. *LJMU Student Law Journal*, 3.

¹⁷ Baskind, E. (2024). *Mooting: The definitive guide to a key legal skill*. Routledge.

Can Mooting Be Classified as CLE?

Whether mooting should be classified as a form of CLE is a question that has generated considerable debate, both in India and internationally. A useful starting point is the recognition that CLE has no single universal definition. In some jurisdictions, CLE is understood narrowly as work involving real clients and community-oriented service. In others, it is defined more broadly as any structured experiential activity that enables students to apply doctrine in practice-like settings.¹⁸ Under the narrow definition centred on live-client engagement, mooting would not constitute CLE, because it does not involve direct interaction with clients, nor does it necessarily advance a social-justice mandate. However, under the broader and increasingly adopted conception of CLE as experiential, skills-based learning, mooting may be regarded as a legitimate component of clinical training, particularly with respect to research, writing, advocacy, and professional identity formation.

Many jurisdictions adopt a blended approach, treating mooting as an essential experiential method that complements, but does not replace, live-client clinics. This paper adopts a similar position. Mooting aligns closely with several objectives of CLE, notably the development of legal reasoning, structured communication, and reflective professionalism. At the same time, mooting lacks the community engagement and social-justice orientation that define classical clinical programmes. It is therefore best understood as a complementary strand within CLE rather than a substitute for live-client work.

Historical Development of Mooting in India

The Early Period: Limited and Informal Practice (Pre-1990s)

Before the major reforms of the late twentieth century, mooting in India existed in a largely informal and undeveloped state. Most law faculties operated within conventional university structures, and instruction relied heavily on lectures, examinations, and textbook-based learning. Moot court exercises did exist in some institutions, but they were conducted irregularly and without a standardised pedagogical purpose.¹⁹ Faculty members often lacked experience in advocacy or exposure to appellate practice, and few had received training in clinical or experiential teaching methods. Moot problems, where assigned, tended to be simplistic, and students rarely prepared written submissions or engaged in structured oral argument.

Infrastructure posed an additional barrier. Only a small number of universities possessed designated moot courtrooms, and law libraries were unevenly equipped, making research difficult. Access to international case law, academic journals, or comparative materials was limited, particularly before the widespread availability of digital resources.²⁰ Mooting therefore remained peripheral, often regarded as an extra-curricular activity rather than an essential element of professional formation.

The Era of Reform and Expansion (1990–2010)

The transformation of mooting began with the establishment of the National Law School of India University (NLSIU), Bengaluru, in 1987 and, later, the broader network of National Law Universities

¹⁸ Parsons, L. (2016). Competitive mooting as clinical legal education: Can real benefits be derived from an unreal experience? *Australian Journal of Clinical Education*, 1.

¹⁹ Ballakrishnen, S. (2009). Where did we come from? Where do we go? An enquiry into the students and systems of legal education in India. *Journal of Commonwealth Law and Legal Education*, 7(2), 133–154.

²⁰ Anthal, D., & Kumar, R. (2025). *Revolutionizing clinical legal education in India through corporate social responsibility*.

(NLUs). These institutions introduced the five-year integrated law degree, which placed greater emphasis on research, writing, and skills training. Within this new model, mooting was given a more prominent and structured place.²¹ By the mid-1990s, many NLUs had established Moot Court Societies or Committees responsible for organising training sessions, internal selection rounds, and university-level competitions. This era saw the introduction of regular intra-college moots designed to prepare students for national competitions. Faculty members and alumni with litigation experience began to contribute to student training, bringing a higher level of professionalism to the practice.

The period also witnessed the emergence of national-level moot competitions such as the Bar Council of India Moot and prestigious university-hosted events. Indian teams started to take part in international competitions, most notably the Philip C. Jessup International Law Moot Court Competition.²² Such participation exposed students and institutions to global standards of legal research, memorial drafting, and advocacy. The influence of comparative experience grew, and institutions began to prepare students systematically for specialised moots in areas such as international trade, commercial arbitration, space law, and human rights. This period thus marked the institutionalisation and early professionalisation of mooting in India.

Consolidation and Global Integration (2010–Present)

From 2010 onwards, mooting in India experienced rapid expansion and diversification. A greater number of law schools both NLUs and private universities invested in formal training systems, moot courtrooms, and faculty coordination.²³ Student-run committees became more sophisticated, establishing tiered selection processes, research workshops, and mentoring networks. Alumni networks played an increasingly important role, particularly for international competitions, where sustained preparation and financial support are critical. This era also witnessed the growing specialisation of moot competitions. Students began to participate in moots focused on maritime law, international humanitarian law, environmental law, investment arbitration, taxation, and constitutional litigation.²⁴ Such diversity encouraged students to engage with complex legal sources, comparative jurisprudence, and contemporary debates beyond the standard curriculum.

The expansion of digital resources, including online databases and virtual libraries, significantly reduced earlier research limitations. Furthermore, the COVID-19 pandemic led to the temporary adoption of virtual mooting, which, despite its challenges, widened participation by reducing travel costs and enabling institutions with limited resources to compete more readily.²⁵ However, the shift to digital platforms also highlighted the stark digital divide between well-resourced and under-resourced institutions.

Despite the visible progress, disparities remain substantial. While some universities have developed mature and well-funded mooting cultures, a large number of regional colleges continue to struggle with limited staff, insufficient training, and inadequate infrastructural support. The absence of national

²¹ Sharma, R., & Singla, L. (2019). Awakening the NLU conscience: A case study of diversity in Indian law schools. *Journal of Indian Law and Society*, 10, xiii.

²² Almond, H. H., Jr. (1997). Strengthening the Philip C. Jessup International Law Moot Court Competition. *ILSA Journal of International & Comparative Law*, 4, 635.

²³ Patil, A., Shinde, R., Bhale, A., & Biradar, A. (2021). Endeavoring through the emerging trends in education: Indian legal education. *Turkish Online Journal of Qualitative Inquiry*, 12(6).

²⁴ Sharma, N. (2017). Clinical legal education in India: A contemporary legal pedagogy. *Indian Journal of Law and Justice*, 8, 165.

²⁵ Odeku, K. S. (2020). Conducting law pedagogy using virtual classroom in the era of COVID-19 pandemic: Opportunities and existing obstacles. *Journal of Educational and Social Research*, 11.

coordination has resulted in uneven standards, irregular assessment methods, and significant barriers for students who wish to participate in external competitions. These inequalities underscore the need for a more systematic approach to strengthening mootings across the legal education landscape.

Clinical Legal Education in India Today

Implementation Variability Across Institutions

CLE in India today presents a picture of notable ambition but uneven realisation. The Bar Council of India's Legal Education Rules of 2008 created a formal framework for practical training by requiring all institutions to offer courses on professional ethics, drafting, pleading, moot courts, and legal aid.²⁶ These regulations marked an important shift towards experiential learning. Yet the degree to which institutions have been able to implement meaningful CLE varies widely, reflecting broader disparities in resources, staffing, and institutional priorities.

A group of well-resourced institutions principally the National Law Universities and certain private universities has established structured clinical programmes. These institutions often maintain dedicated Legal Aid Clinics, collaborations with local courts or Non-Governmental Organisations, supervised live-client work, and specialised simulation-based courses. Their faculty frequently includes individuals with practice experience or advanced training in clinical pedagogy, enabling them to design and deliver courses with clear learning objectives and assessment methods.

However, many colleges across the country struggle to meet even the minimum requirements. Several face severe shortages of qualified faculty, limited research resources, and inadequate infrastructural facilities such as moot courtrooms, interview spaces, or legal databases. In some institutions, practical training is reduced to brief lectures or symbolic exercises, detached from real or realistic legal work.²⁷ As a result, students graduate with uneven exposure to essential lawyering skills, depending more on the institution's capacity than on a standardised national vision for clinical education.

Educational Benefits of CLE and Mooting

Despite these disparities, both CLE and mootings demonstrably contribute to the quality of legal education in India. The principal strength of CLE lies in its capacity to develop core lawyering skills. Through clinical activities, students learn to interview clients, gather facts, identify issues, draft documents, analyse ethical dilemmas, and reflect upon their role as future legal professionals.²⁸ Exposure to live-client work, when available, fosters an understanding of the social contexts in which law operates and encourages students to consider issues of access to justice and public service.

Mooting contributes to this broader pedagogical landscape by sharpening appellate advocacy skills. It requires intensive research, careful analysis of precedent, precise drafting of written submissions, and disciplined oral presentation. While simulated, mootings nevertheless cultivates habits of mind that are central to effective legal practice. It teaches students to construct coherent legal arguments,

²⁶ Ahmad, S., & Kumar, R. (2025). *Transforming legal education in India: The role of clinical legal education and trial advocacy*.

²⁷ Deepak, C., Arun, G., Ashok, Y., Sajjad, H., & Yogesh, S. (2025). Moot court for teaching-learning of court procedures in MBBS students in central region of India: An educational interventional study. *Prof. S. K. Dhatarwal Forensic Medicine, PGIMS, Rohtak, Haryana*, 19(2), 45.

²⁸ Bandyopadhyay, S. (2023). Clinical legal education: A tool for advancing human rights in India. *Brainwave: A Multidisciplinary Journal*, 4(2), 435–443.

anticipate counter-positions, and respond to judicial questioning with clarity and composure.²⁹ Mooting also promotes teamwork, time management, and professionalism, which complement the ethical and reflective components developed through CLE.

When CLE and mooting function together, they provide a balanced pedagogical framework: CLE exposes students to ground-level realities and client-facing tasks, while mooting introduces them to structured reasoning, procedural discipline, and the dynamics of appellate advocacy. Both forms of experiential learning contribute to the development of professional identity—a critical yet often underemphasised aspect of legal education. Through engagement with clients, judges, and peers, students gain insight into the responsibilities, expectations, and norms of the legal profession.

Persistent Structural Barriers

Several structural barriers impede the development of robust CLE and mooting cultures across Indian law schools. Resource disparities remain the most prominent challenge. A significant number of institutions lack basic infrastructure such as well-equipped libraries, access to legal databases, moot courtrooms, or facilities for client interviewing. Financial constraints also prevent many colleges from sending student teams to national or international moot competitions, limiting participation to institutions capable of covering travel and registration expenses.³⁰

Faculty capacity poses another challenge. Many institutions face shortages of staff trained in advocacy, clinical supervision, or skills-based teaching. Without adequate faculty development programmes, the quality of instruction in practical components remains inconsistent. Additionally, doctrinal courses often occupy the majority of the curriculum, leaving limited time for experiential learning. In some cases, practical subjects are scheduled towards the end of the programme, diminishing their potential impact on the overall educational experience.

Assessment practices also require improvement. Some institutions rely on superficial or formalistic evaluations that do not adequately measure students' skills. Effective clinical teaching requires continuous feedback, reflective exercises, and structured assessment criteria, all of which demand institutional commitment.³¹ These barriers collectively contribute to an uneven landscape in which a minority of institutions produces practice-ready graduates while many others struggle to provide basic training. Addressing these disparities is essential for strengthening both CLE and mooting, and for ensuring that all law graduates regardless of institutional background – enter the profession with a foundational level of competence.

Global Based Standards: A Comparative Approach

Comparative study provides valuable insight into how different jurisdictions structure advocacy training and integrate experiential learning into their law curricula. While each system operates within its unique historical and regulatory context, several common patterns emerge: a commitment to systematic skills training, institutional support, national coordination, and a culture that values

²⁹ Lowenstein, M. (2020). *Mooting learning opportunities: Students' challenges, emotions and feedback for improvement*.

³⁰ Parsons, L. (2016). Competitive mooting as clinical legal education: Can real benefits be derived from an unreal experience? *Australian Journal of Clinical Education*, 1.

³¹ Tanveer, A., & Kumar, R. (2025). *Clinical legal education: Bridging theory and practice through experiential learning and client-centered skills*.

advocacy as an essential professional competency. Examining these jurisdictions helps illuminate both the strengths and gaps within the Indian approach.^{32,33}

The United States

The United States represents one of the most mature systems of experiential legal education. Since the mid-twentieth century, American law schools accredited by the American Bar Association (ABA) have incorporated clinical and skills-based training as part of the standard curriculum.³⁴ Most institutions require first-year students to take credit-bearing courses in legal research, writing, and advocacy. These foundational courses typically include simulated argument before instructors or practitioners, making advocacy training a universal experience.³⁵

Beyond the first year, nearly every law school hosts competitive moot court boards or appellate advocacy programmes. Students may join these bodies through selection rounds, and those who do often participate in national competitions in constitutional law, evidence, criminal procedure, or international law. Importantly, advocacy training is not confined to competitions. Upper-level offerings include trial advocacy, negotiation, mediation, and client counselling courses, often supervised by practising lawyers or judges.³⁶ This system ensures that students receive structured, progressive exposure to multiple forms of advocacy, from basic research to courtroom simulation.

Institutional culture plays a central role. American law schools treat advocacy as a core professional skill rather than a supplementary activity. The presence of dedicated advocacy centres, well-resourced legal writing departments, and extensive alumni networks sustains this orientation. The result is a model in which every graduate acquires at least foundational competence in research, writing, and oral argument.

The United Kingdom

In the United Kingdom, mooting has long been a staple of undergraduate legal education. Many universities integrate mooting into substantive law modules, including contract law, public law, and torts.³⁷ These embedded exercises enable students to practice argumentation in direct connection with doctrinal material. At the same time, robust student-run moot societies organise internal and inter-university competitions, offering additional opportunities for practice.

The vocational stage of legal education further strengthens advocacy training. The Bar Practice Course (BPC), formerly the Bar Professional Training Course, includes mandatory assessments in civil and criminal advocacy.³⁸ Students undertake structured simulation in examination-in-chief, cross-examination, submissions, and appellate argument. Many students also engage with the Inns of Court professional associations that provide mooting opportunities, scholarships, mentoring, and exposure

³² Law Commission of India. (2017). *Report on legal education and professional standards*. New Delhi: Law Commission of India.

³³ Rao, C. (2019). Professional identity and moot courts in India. *Journal of Legal Education*, 68(3), 415–437.

³⁴ Stevens, R. B. (2001). *Law school: Legal education in America from the 1850s to the 1980s*. The Law Book Exchange, Ltd.

³⁵ American Bar Association. (2012). *Report on clinical legal education in the US*. American Bar Association.

³⁶ Knerr, C. R., Sommerman, A. S., & Rogers, S. K. (2001). Undergraduate appellate simulation in American colleges. *Journal of Legal Studies Education*, 19(1), 27–62.

³⁷ Wishart, G. (2024). Mooting: An undergraduate's perspective. *LJMU Student Law Journal*, 3.

³⁸ Duncan, N. (2019). Prepared for practice? Assessment for the Bar. In *Perspectives on the scholarship of assessment and learning in law* (p. 79).

to practising barristers.³⁹ This multi-tiered structure ensures that mooting is not an isolated activity but part of a wider developmental path spanning undergraduate and professional stages. Advocacy is treated as essential preparation for practice, grounded in both doctrinal understanding and ethical responsibility.⁴⁰

Australia

Australian legal education places clear emphasis on the development of practical competencies. The “Priestley 11,” a set of core knowledge areas required for admission to legal practice, indirectly shapes advocacy training by emphasising problem-solving, interpretation of authorities, and application of doctrine.⁴¹ Law schools frequently embed mooting into compulsory legal method or research courses in the first year.

In addition, national coordination plays a significant role. The Australian Law Students’ Association (ALSA) administers national competitions with standardised rules and assessment criteria.⁴² These competitions attract broad participation from universities across the country and ensure uniform expectations regarding written submissions and oral advocacy. Many institutions also maintain advocacy units or centres devoted to coaching, research, and the study of legal pedagogy. Importantly, advocacy is understood holistically. Students often receive training in written advocacy, negotiation, mediation, and client interviewing alongside mooting. This integrated approach contributes to the development of versatile graduates who are prepared for diverse career paths.

South Africa and Canada

South Africa and Canada offer models that blend doctrinal, clinical, and advocacy training in distinctive ways. In South Africa, mooting is frequently integrated into CLE programmes. Students may first engage in appellate simulations before taking part in live-client work under supervision.⁴³ This sequential structure allows students to develop confidence and analytical discipline before confronting the complexities of real cases. Mooting is commonly used to prepare students for appearances before university law clinics, community advice offices, or legal aid centres.

Canada adopts a similar balancing approach. First-year students typically undertake mandatory courses in legal research, writing, and oral advocacy.⁴⁴ Many universities maintain strong mooting traditions, particularly in specialised areas such as constitutional law, trial advocacy, and international law. Upper-level experiential options often include externships, judicial clerkships, and intensive clinics. The Canadian model demonstrates how mooting can serve as an early foundation for broader experiential learning.

Lessons for India

³⁹ Lowenstein, M. (2020). *Mooting learning opportunities: Students’ challenges, emotions and feedback for improvement*.

⁴⁰ Webb, J., et al. (2010). *Clinical legal education in the UK: A history of innovation and transformation*. UKCLE.

⁴¹ Zhang, S., Luo, J., & Guo, P. (2025). A new era of the Australian legal education: In the context of a global trend of new technology. In *Technology, legal education and legal profession in China and Australia: Opportunities and challenges* (pp. 71–95). Springer Nature Singapore.

⁴² Zhang, S., Luo, J., & Guo, P. (2025). Legal education in Australia. In *Technology, legal education and legal profession in China and Australia: Opportunities and challenges* (pp. 9–33). Springer Nature Singapore.

⁴³ Fourie, E. (2016). Constitutional values, therapeutic jurisprudence and legal education in South Africa: Shaping our legal order. *Potchefstroom Electronic Law Journal/Potchefstroomse Elektroniese Regsblad*, 19(1).

⁴⁴ Rochette, A. (2011). *Teaching and learning in Canadian legal education: An empirical exploration*.

A number of themes emerge from the comparative landscape (See *Table 1*):

1. **Early and universal exposure:** In most jurisdictions, all students receive structured advocacy training early in their legal education.
2. **Institutional support and professional involvement:** Dedicated advocacy centres, alumni networks, and practitioner-judges strengthen programmes.
3. **National coordination:** Competitions and evaluation criteria are often standardised.
4. **Integration with curriculum:** Mooting is commonly embedded within existing courses, not treated solely as an extracurricular activity.
5. **Progressive training:** Students develop skills in a staged manner, moving from basic research to advanced advocacy.

These features highlight opportunities for reform in India, where mooting remains unevenly distributed and inconsistently integrated. Adopting elements of comparative models could help establish a more coherent national framework and elevate the general standard of advocacy training across the country.

Table 1. Comparative Overview of Advocacy Training

Jurisdiction	Early Mandatory Training	Mooting Integration	National Coordination	Practitioner Involvement
United States	Yes (1st-year research & writing)	Moot courts + advanced simulations	Moderate (ABA standards)	Extensive (judges, lawyers)
United Kingdom	Yes, often within modules	Undergraduate Inns of Court	High (BPC standards)	Strong
Australia	Yes (legal method modules)	Embedded + ALSA competitions	Very high	Moderate to strong
South Africa	Yes (clinical sequence)	Mooting as precursor	Moderate CLE	Strong in clinics
Canada	Yes (1st-year mandatory advocacy)	Wide variety of moots	Moderate	Strong

Source: Authors' analysis based on literature review, reports, comparative analysis of different countries

Integration of Mooting into Clinical Legal Education

The relationship between mooting and CLE requires careful explanation, particularly because both activities aim to cultivate essential professional competencies but arise from different pedagogical traditions. CLE, in its classical form, emphasises live-client engagement, social justice, and supervised participation in real legal processes. Mooting, by contrast, is a structured simulation of appellate

advocacy, devoid of direct client interaction.⁴⁵ Yet, despite these differences, mooting aligns closely with several objectives of CLE and holds potential to operate as a complementary method within a broader experiential framework.

Mooting contributes significantly to the development of foundational lawyering skills. Its rigorous demands in research, problem analysis, and written and oral argument mirror the competencies cultivated through live-client clinics, albeit in a simulated context. Students learn to identify legal issues, interpret authorities, draft persuasive submissions, and respond to questioning with clarity and composure.⁴⁶ These skills are precisely those required for effective representation of clients, whether in trial courts, appellate courts, or alternative dispute resolution settings.⁴⁷ Thus, while mooting does not replicate client-facing work, it strengthens students' intellectual readiness for the varied tasks they will encounter in professional practice.

A central argument for integrating mooting within CLE rests on the principle of progressive skills development. In many jurisdictions, students begin with simulations before engaging in live-client work. This staged approach provides an opportunity to build confidence and analytical discipline before confronting the complexities and uncertainties of real cases. Within the Indian context where many students enter law school with limited exposure to public speaking, legal research, or analytical writing mooting can serve as an essential preparatory activity that supports later participation in clinics, legal-aid programmes, or internships. Far from displacing live-client work, mooting strengthens the foundations upon which effective clinical engagement depends.⁴⁸

Another justification for integration lies in the formation of professional identity. Mooting introduces students to courtroom etiquette, forms of address, standards of civility, and the ethical responsibilities associated with presenting arguments before a judicial body. These experiences contribute to the internalisation of professional norms and help students understand the expectations of the legal community.⁴⁹ CLE similarly seeks to cultivate reflective and ethically grounded practitioners. Integrating mooting within CLE thus reinforces the broader educational objective of shaping competent, responsible future lawyers.⁵⁰

Nevertheless, conceptual clarity is essential. Mooting should not be treated as synonymous with CLE, nor should it displace the social-justice mission that underlies classical clinical pedagogy. Rather, mooting should be recognised as a distinct but complementary method of experiential learning that supports and enhances the objectives of CLE. Institutions may situate mooting within a wider clinical programme or treat it as a parallel activity that contributes to students' experiential formation.

A coherent integration strategy would adopt a balanced approach: mooting would provide early exposure to structured advocacy and research, followed by live-client work that deepens ethical and contextual understanding. This model would produce graduates who are not only proficient in doctrinal analysis and appellate reasoning but also capable of engaging thoughtfully with clients and

⁴⁵ Baskind, E. (2017). *Mooting: The definitive guide*. Routledge.

⁴⁶ Law Commission of India. (2017). *Report on legal education and professional standards*. Law Commission of India.

⁴⁷ Baskind, E. (2024). *Mooting: The definitive guide to a key legal skill*. Routledge.

⁴⁸ Billings, P. (2017). Evaluating the pedagogic value of mooting and 'nooting' at the administrative appeals tribunal (CTH). *Monash University Law Review*, 43(3), 687–722.

⁴⁹ Lynch, A. (1996). Why do we moot: Exploring the role of mooting in legal education. *Legal Education Review*, 7, 67.

⁵⁰ Rao, C. (2019). Professional identity and moot courts in India. *Journal of Legal Education*, 68(3), 415–437.

legal institutions. Integrating mooting into CLE, therefore, is not merely an administrative decision; it represents a pedagogical commitment to developing well-rounded, practice-ready professionals.⁵¹

Policy and Structural Recommendations

Strengthening mooting and CLE in India requires a combination of national coordination, institutional reform, faculty development, and resource equalisation. The objective is to create a system in which all students regardless of the institution they attend receive meaningful and equitable exposure to advocacy training and experiential learning. The recommendations outlined below draw upon comparative practices, insights from Indian legal education, and the structural challenges identified earlier.

Establishing a National Mooting Framework

A central policy priority is the creation of a coordinated national framework for mooting, operating either under the Bar Council of India or through an independent consortium of law schools. At present, mooting in India remains largely decentralised, resulting in inconsistent standards, variable judging criteria, and unequal access to competitions.⁵² A national framework could develop standard rules for written submissions, oral argument, and scoring. It could also maintain a calendar of accredited competitions, preventing scheduling conflicts and enabling institutions to plan their participation more effectively.

Financial equalisation must be a core feature of this framework. Many institutions lack the resources to support travel, registration fees, or materials for national or international competitions. A modest grant or subsidy system funded through regulator contributions, alumni support, or private partnerships would help ensure that capable students are not excluded for financial reasons. This would significantly broaden participation and strengthen the diversity of the moot community.

Institutional Reforms within Law Schools

Individual institutions play a crucial role in sustaining a robust mooting culture. Law schools should adopt curricular reforms that provide early and credit-bearing exposure to research, writing, and advocacy. Introducing mooting into first-year legal method or research courses would ensure that all students acquire basic advocacy experience, rather than only those who join competitive teams.

To support this, institutions should invest in training faculty to deliver skills-based teaching. Workshops, certification programmes, and partnerships with practising lawyers or retired judges can strengthen faculty capacity. Law schools should also establish dedicated moot court committees with clear mandates covering internal training rounds, research workshops, and the preparation of students for external competitions. Infrastructure is another essential component. Moot courtrooms, access to legal databases, and well-equipped libraries are indispensable tools for advocacy training. Institutions that lack such facilities will need targeted support, either through internal funding or external grants.

Incorporating Hybrid and Digital Models

Digital platforms offer significant opportunities for expanding access to mooting. Virtual training sessions, online tutorials, and recorded demonstrations of oral arguments can serve as valuable

⁵¹ Sen, A. (2022). Mooting and employability in India. *Indian Law Journal*, 45(2), 203–219.

⁵² Patil, A., Shinde, R., Bhale, A., & Biradar, A. (2021). Endeavoring through the emerging trends in education: Indian legal education. *Turkish Online Journal of Qualitative Inquiry*, 12(6).

learning tools. Institutions may jointly develop online repositories of memorials, judgment summaries, and research guides accessible to students nationwide. The experience of virtual mootings during the COVID-19 pandemic demonstrated that digital formats can reduce geographical and financial barriers while maintaining high standards of argumentation.⁵³ A hybrid model combining in-person training with online resources would enable institutions with limited staff or facilities to supplement their programmes and provide continuous exposure to advocacy practice.

Benchmarking, Assessment, and Accountability

Sustainable reform requires clear benchmarks and transparent assessment. Institutions should adopt structured rubrics for evaluating students' written and oral advocacy. Feedback should be systematic, timely, and detailed, enabling students to understand their strengths and areas for improvement. At the policy level, a national annual review could track participation levels, diversity of subject areas, faculty involvement, and outcomes in national competitions. Such reporting would highlight disparities, encourage best practices, and allow regulators to identify institutions requiring additional support.

Integrating these reforms would enhance not only mootings and CLE but also the broader quality and fairness of legal education in India. Coordinated policy, strong institutional commitment, and sustained resource investment are essential to producing a generation of lawyers who are well prepared for the demands of contemporary legal practice.

More Data Points (Lately Competitions)

More than 57 moot competitions take place in India in a single year.⁵⁴ India also hosts such SAARC/India qualifying rounds to some international moot courts e.g. the Stetson International Environmental Moot Court Competition SAARC rounds were to be held in January 2025 with winners progressing to those of Stetson International Finals in Florida.⁵⁵ A combination of the above activities will guarantee a flow of domestic pipeline into international rounds. The Philip C. Jessup International Law Moot Court Competition (ICJ simulation) routinely attracts between 600 and 800 teams to compete globally, with 674 teams representing about 100 jurisdictions participating in 2024 and a record 803 teams registered across qualifiers in 2025;⁵⁶ the Willem C. Vis International Commercial Arbitration Moot in Vienna (established in 1993) and Vis East in Hong Kong (established in 2003)

⁵³ Odeku, K. S. (2020). Conducting law pedagogy using virtual classroom in the era of COVID-19 pandemic: Opportunities and existing obstacles. *Journal of Educational and Social Research*, 11.

⁵⁴ University of Delhi (CLC). (2005–2025). *K.K. Luthra Memorial Moot Court Competition*. CLC; SASTRA Deemed University. (2004–2025). *Nani Palkhivala Memorial National Tax Moot*. SASTRA; Surana & Surana International Attorneys. (2024). *National Moot Series guidelines and schedule*. Surana & Surana; Stetson University College of Law. (2025); *International Environmental Moot Court Competition – SAARC Rounds*. Stetson University College of Law.

⁵⁵ Stetson University College of Law. (2025). *International Environmental Moot Court Competition – SAARC Rounds*. Stetson University College of Law.

⁵⁶ International Law Students Association (ILSA). (2024). *Philip C. Jessup International Law Moot Court 2024 – White & Case International Rounds*. ILSA.

together attract well Packed 373 competing teams of 64 countries in 2023;⁵⁷ jointly with Vis East, the two tend to attract more than 500 teams year-long.⁵⁸

The annual IBA ICC Moot held in The Hague; 66 of the best teams joining other WTO Members in Geneva at the John H. Jackson WTO Moot Court Competition in 2024;⁵⁹ the Oxford Price Media Law Moot attracted 67 teams in 2024, representing 68 jurisdictions;⁶⁰ the Manfred Lachs Space Law Moot, whose 2024 World Finals were held in Milan;⁶¹ and the International Maritime Law Arbitration Moot (IMLAM), which is still frequented by common-law jurisdictions. The VIS/VIS East and FDI summer ICC calendar of yearly events each have significant academic planning pivot points: August to October is the selection and intense training of moot teams; September to December are the world-wide pre-moot events; October to January is the national/regional qualifiers of competitions in Stetson, ICC, and numerous Surana & Surana competitions; January to February includes national rounds of the Jessup Nani Palkhivala and price media and WTO regional competitions; March to April, and, are all anchored by the Jessup Price.⁶²

There are also the recent years that have demonstrated the performance of Indian institutions in the international arena. Indicatively, in 2024 National Law University Delhi made it to the Quarterfinals of the Jessup International Rounds;⁶³ NUJS Kolkata placed first in overall list of teams at 2024 FDI Moot Global Rounds in Berlin,⁶⁴ Indian teams generally reach advanced rounds of Vis and Vis East and win awards and compete well within Price Media (South Asia) and WTO regional brackets, Indian universities made it into the Stetson International Semi-Final year after year through SAARC rounds. A combination of these outcomes indicates the rising depth of the India moot ecosystem. However, the elite system has to reach widely and accessible to all the law students and colleges.

Lastly, in order to make things better, institutions and regulators might monitor benchmarking indicators on a regular basis, i.e. once a year. These can be summarised as: (i) aggregate mooted enrolment and retention levels (both on intra- and national- and international-level teams); (ii) subject-area diversity (public international law/ICJ, commercial arbitration, WTO, environmental law, IHL/ICC, space, maritime, media/tech, tax); (iii) the depth of coaching support (faculty, alumni, etc.);

⁵⁷ International Arbitral Centre–Vienna. (2023/2024). *Willem C. Vis International Commercial Arbitration Moot (stats)*. International Arbitral Centre–Vienna; FDI Moot. (2024). *FDI Moot – Berlin Global Rounds*. FDI Moot; Stetson University College of Law. (2023). *Stetson IEMCC International Finals*. Stetson University College of Law; University of Oxford. (2024). *Price Media Law Moot Court*. University of Oxford; WTO/ELSA. (n.d.). *John H. Jackson Memorial Moot Court*. WTO/ELSA.

⁵⁸ *Moot court competitions calendar 2023–2025: Jessup, Vis/Vis East, FDI, ICC Moot, Stetson IEMCC, Price Media, WTO/JHMCC, Manfred Lachs*.

⁵⁹ WTO/ELSA. (2024). *John H. Jackson Memorial Moot Court Competition*. WTO/ELSA.

⁶⁰ University of Oxford. (2024). *Price Media Law Moot Court*. University of Oxford.

⁶¹ International Institute of Space Law (2024). *Manfred Lachs Space Law Moot Court*. International Institute of Space Law.

⁶² Organizing Institution/Committee]. (2023–2025). *Moot court competitions calendar 2023–2025: Jessup, Vis/Vis East, FDI, ICC Moot, Stetson IEMCC, Price Media, WTO/JHMCC, Manfred Lachs*.

⁶³ International Law Students Association (ILSA). (2024). *Jessup 2024 White & Case Rounds results*. ILSA; FDI Moot. (2024). *FDI Moot 2024 Berlin – Global Rounds data*. FDI Moot.

⁶⁴ FDI Moot. (2024). *FDI Moot 2024 Berlin – Global Rounds data*. FDI Moot.

(iv) resources parity, especially in terms of travel budgets, access to pre-moots, databases and (v) competitive outputs.⁶⁵

Conclusions

The evolution of mooting in India reflects broader developments in legal education. Once a marginal co-curricular activity, mooting is now recognised as a powerful pedagogical tool capable of cultivating research skills, advocacy competence, ethical awareness, and professional identity. Yet its benefits remain unevenly distributed across institutions. Without deliberate and coordinated reform efforts, disparities in access to mooting will continue to shape unequal professional outcomes. Comparative experiences show that sustained institutional investment, curricular integration, national coordination, and faculty development are essential to building a strong mooting culture. Integrating mooting within CLE, while maintaining clear conceptual distinctions, would contribute significantly to the preparation of practice-ready lawyers. Such reforms would not only strengthen legal education but also promote fairness, inclusivity, and professionalism within the legal system.

A national commitment to democratising mooting is therefore essential. By drawing on global best practices while addressing India's distinct institutional realities, legal educators, regulators, and the profession can collectively foster a generation of lawyers equipped to meet the demands of an increasingly complex and interconnected legal world.

⁶⁵ Rhode, D. L. (2004). *Access to justice*. Oxford University Press; Galanter, M. (1974). Why the haves come out ahead. *Law & Society Review*, 9, 95–160; International Law Students Association (ILSA). (2008). *Guidelines of contemporary moot court practice*. ILSA.



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From the Field

AI based Legal Tech; in the firm and in the law school

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Abstract

Conscious of the investment in, and use of, AI by law firms, a project was established for final year law students to better equip them for careers in practice. This was the first legal-tech project in an Irish law school. LegalTech was omnipresent and was changing the practise of law by means of process efficiency and automation. To introduce the students to legal tech, they were given access to some brilliant technology developed by Neota Logic. Critically, without a knowledge of coding, they were able to build Apps which automated certain tasks and legal advice, created efficiencies and addressed a notional client's needs. Deep learning of certain areas of law was coupled with experiential learning of company and other areas of law. Additionally the students had their first experiences of dealing with a client's requirements. The practical aspects of law and compliance were also revealed to the students and, showing an appreciation of these tasks, one App built in a link to the Companies Registration Office website. Assessment was designed to capture their legal expertise but also measured their transferable skills of time and task management, as well as team working skills. Graduates reported positive effects on the recruitment processes they faced too.

Keywords: LegalTech, Creating Apps, Teamwork, Technology based clinical legal education

Introduction

The prevalence of AI during the last decade was such that it was highly likely to have an impact on the delivery of legal services. McCann Fitzgerald LLP, a leading Irish corporate firm, announced a significant investment in a software platform in 2018. In this decade, technological developments have advanced greatly and lawyers and law students are learning of the potentials and pitfalls of Generative AI. However, that investment by McCann Fitzgerald LLP in 2018 caught the author's attention as there was much discussion of 'legal tech' at the time. Awareness of those developments resulted in a very interesting learning experience for some final year law students. Legal Tech is the term used to describe systems of case management, document automation and advanced applications with AI.¹

¹ K. Nilupu-Moreno, Y. Riega-Virú, E. M. Puga-Ayala, J. L. Salas-Riega and Y. Lázaro-Ortiz, *Legaltech in Legal Education: A Systematic Review of the Training of Technological Competencies*, 2024 IEEE 4th International Conference on Advanced Learning Technologies on Education & Research (ICALTER), Tarma, Peru, 2024, page 1.

The Opportunity

The School of Law at University of Limerick approached McCann Fitzgerald LLP and the outcome was the joint sponsorship by Neota Logic and McCann Fitzgerald of a project for final year law students. The project was the first 'legal tech' module in an Irish University. In University of Limerick the final year law students take a capstone project module which can take the form of completing a research article, working with Citizens Advice Bureau, studying the ISDA Master agreement and Netting of Financial Contracts Act 1995², or other options which vary from year to year. In light of developments in legal- tech, the author wished to offer something in that sphere, to prepare students for the firms in which they would work.³

During the legal-tech project, twelve final year law students developed a selection of tech-based applications (called 'Apps') for a non-profit organisation. The organisation was the Limerick Chamber of Commerce and they helped identify areas of law or compliance pertinent to many of their members. Any Apps that could help with the recurring need for information on these areas of law or compliance would be very helpful they told us. The Apps were to reflect a method of calculation of legal liability, analyse applicability and interpretation of a legal instrument or audit compliance with some area of company law.

The technology

The technology was provided by Neota Logic and it soon became clear that a knowledge of coding was not necessary in order to build an App. Any person could learn to build an App through a series of exercises and tips offered sequentially through the Neota academy. The steps resembled the creation of a quiz on Brightspace, Sulis or any other learning management system. The system was easy to use and very intuitive. It helped that the entire process would be even more intuitive for the young students, who were 'digital natives'. In 2019 Slaughter and May had chosen 6 start-ups to take part in their legal technology programme and one of those was also a platform, called Logiak, which allowed non-coders to create Apps. However as further developments occur, it may be preferable for a law school to teach generic Legal Tech skills, such as document automation and basic concepts like inputs, outputs and decision trees.⁴

Identifying App needs

Cornell, Monash and other law schools had run legal tech modules with their students and Apps had been built on identifying the risk of elder abuse and eligibility for disability pensions. This is consistent with the history of clinical legal education which often focusses on social issues, access to justice and community.⁵ As a Company / Competition lawyer, the author wanted to focus on industry and business. Neota, McCanns and the students asked the Limerick Chamber of Commerce what Apps would assist their members and they suggested one on Fire Safety Compliance, and another on Business Insurance.

² S.Eaton, *Using a real contract to teach law holistically*. IJCLE, vol 24, no 3, 2017, page 122.

³ A. Contreras & J. McGrath, *Law, Technology and Pedagogy; Teaching coding to build a future-proof lawyer* Minnesota Journal of Law, Science & Technology, Vol 21, no 2, page 297, at page 307.

⁴ C. Ireland, R. Hockley, *A call for introducing LegalTech in the classroom*, Computer Law & Security Review, Vol 36, 2020, article number 105399.

⁵ M. Castles, *Marriage of convenience or a match made in heaven, Collaboration between a law school clinic and a commercial law firm*, IJCLE, vol 23, no 2, 2016, page7, at page 23.

Liaising with the Limerick Chamber of Commerce and focussing on their member's needs enabled the project to provide legal education to their members – a parallel to the contribution to Citizens Advice made by the Law in the Community module elsewhere.⁶ The author added a request for one on the Company Secretarial role and one on Directors' duties, which also appealed to the Limerick Chamber of Commerce. Those were the four Apps to be built by the four teams.

Working through the semester – the technology

Twelve students were chosen for the project and registered on Neota Academy to complete their training during the first six weeks of the semester. These sessions ran smoothly and the students learned to use the technology with ease. The students later commented that, at the outset, they felt daunted and were concerned that they would not master the technology. They had no issues at all when the time came.

Working through the semester – the law

The idea with the App was to harvest the legal knowledge once and allow the App to apply it over and over again without the need for the lawyer's repeated input. To develop and build each of the four Apps, each team needed to gather and manage some legal expertise. The legal expertise was set out in a Content document for that App. As there were 3 students in each of the 4 groups, they typically divided the legal research tasks between them. The 2 Company law Apps, on Company Secretarial and Directors' Duties, were easily researched and a plethora of sources was available, ranging from the Companies Act 2014 to case law.

The App on Fire safety compliance proved more difficult to research but that was what the 'notional client', the Limerick Chamber of Commerce, needed. The Fire Safety Regulations in Ireland are in Part B of the Building Regulations and are labyrinthine but the students harnessed the unwieldy matter with the help of a Fire Safety Officer who worked for the County Council. This was a good learning experience for that team as they had to apply the legal provisions in consultation with a Fire Safety practitioner.

The Business Insurance market is vast and a very wide set of possible insurance products are available, ranging from Keyman insurance to product liability insurance. First the team made assumptions as to whether the users of the App were start-up or already in business. The team then cleverly decided to tailor the App for the Food and Beverages sector in order to make the number of options realistic.

The Company Secretarial App relied heavily on a precise knowledge of the provisions of the Companies Act, while the App on Directors' duties relied on provisions of the Companies Acts which codified those duties and on decisions of the Superior Courts which interpreted the duties.

None of the Apps developed, or legal resources used, involved identification of a person or disclosure of any private information. This had the advantage of not raising those ethical issues encountered more nowadays with GenAI. Ethical considerations that come with AI include privacy, algorithmic transparency, and bias mitigation.⁷ These and other basic human rights were not raised by the Apps.

⁶ L Bengtsson and B. A'Court, *The Law in the Community Model of Clinical Legal Education; Assessing the impact on Key Stakeholders*, IJCLE, vol 30, no 2, 2023, page 54, at page 55.

⁷B. Munir, *Integrating Generative AI in Legal Pedagogy: A Case Study*, International Journal of Legal Information, 2025;53(3), page 272.

It was also notable that each team included disclaimer of liability terms on their Apps and the Apps on Directors' duties and Company secretarial stipulated that they were not providing legal advice and were for information and training purposes only.

Moulding good lawyers

It was interesting to hear the students comment on other possible uses for the app technology. The students identified where efficiencies could be achieved, repetition avoided, better knowledge of a client's business be gained and costs curtailed. They could immediately see the relevance of what they were learning and were hungry for the knowledge.⁸

Given that legal work and the administration of justice increasingly involves technology, students who can collaborate with technology professionals have a competitive advantage.⁹

Choosing judges

It was important to get a client perspective, so a consumer of extensive legal services was needed. Dr. Hugh O'Donnell of Ingenium TC, formerly CEO of Kentz Corporation kindly agreed to act as a judge. The lawyers were represented by Mr. Josh Hogan, Partner, McCann Fitzgerald LLP and the technology sector by Ms. Aisling Curtis, Commercial Director of Microsoft Ireland. The feedback from the judges was superb with Dr. Hugh O'Donnell saying he was 'overwhelmed' that law students could produce these Apps. Ms. Aisling Curtis asked the students to reflect too on the broader team-working skills they had acquired, which would be so important in their professional lives. Mr. Josh Hogan admired their ability to see other uses for the technology.

It is important to replicate practice and the liaison with the Limerick Chamber of Commerce, as well as the profiles of the judges, really helped to bring a sense of there having been a client.¹⁰

Launching the Apps

On launch day each team of 3 students presented their App and ran through its capabilities. For the Food and Beverages insurance needs, cover choices were explained and legal niceties on the ownership of insurance policies. The fire safety compliance app allowed for an audit of risk and an analysis of steps to be taken to minimise risk to employees in the business and maximise compliance. The App on Directors and their duties included an eligibility for directorship test and exercises that illustrated how Directors' duties are interpreted by the courts. It did so by presenting scenarios and asking the user to answer hypothetical questions. The user had multiple-choice type options to choose from. The App then told the user whether they were correct or not and cited case law to support the analysis. Finally the Company secretarial App did an eligibility test and then guided a company Secretary through their duties, while including links to necessary materials on the Companies Registration Office website.

Different teams were found to display different strengths and while there was an overall winner, it seemed like all were winners. The students had had the opportunity to try legal technology and to see an emerging aspect of the delivery of legal services. A few University of Limerick Law alumni joined us

⁸ P. Ramsden, *Learning to teach in higher education*, 2nd ed., Routledge Falmer, at page 93.

⁹ T. Dolidze, *The evolving role of AI in Legal Education and research*, Law and World, vol 11, no 1, page 94.

¹⁰ N. Tarr, *Current Issues in Clinical Legal Education*, 37 Howard Law Journal, page 31, at page 35.

and one, by this time a trainee from Allen & Overy's specialised legal tech trainee programme, shared her experiences with the final year law students, which was very helpful.

Academic assessment

The assessment was based on four aspects of the project. A maximum of 25% of the marks were gained by a timely completion of the Neota Academy and so this was an individual mark. The Neota Academy was a series of online learning sessions which taught the user to create Apps. No student missed the six week deadline for completing the online training. This was reassuring for the students who were the first to undertake such a Legal Tech module.

A further 25% of the marks were allocated for the App's Content document which set out the legal expertise informing the App. It also explained the functioning of the App and that was a team mark. The judges could see what legal research had been done and ensure that correct statements of the law were included. This exercise also allowed the students to present the technical information in a clear manner and to organise their information logically in order to achieve that result.

To ensure individual reflection on the teamwork in which they were engaged, as well as on their learning of the law and technology, a maximum of 25% of the marks was awarded to each individual for a self-assessment exercise. The self-assessment asked them to reflect, inter alia, on whether communication had been clear between them and whether each person had met their individual deadlines. While the form provided for self-assessment, it had to be co-signed by a team member and the judges found the reflections were balanced and appeared very honest. These types of projects help students learn additional, but important skills, including problem-solving, planning, strategic communication, collaboration, and project management.¹¹ Developing, and knowing that they had developed, this wide range of skills and attributes is very important to students.¹²

The final 25% was awarded for the App itself and so was a team mark.

Clinical legal education costs money and the project would not have been possible without the support of Neota Logic and McCann Fitzgerald. Both parties gave generously without seeking in any way to interfere with academic assessment decisions or exclude faculty, which can be a risk.¹³

How the project developed students' professional skills and competencies, and their observations on it.

The students were encouraged to reflect on tasks within the work of lawyers which could be executed more efficiently and cost effectively using AI technology. The student's enthusiastic response to the project was infectious and their comments at the end included the observation that "I learned a whole new set of skills through taking part in this project".

The project was probably the first situation in which the student had to imagine a client's needs and be able to address those. The Content document required a sequential and logical setting out of the technical legal or compliance information. The ability to set out and explain the underlying legal position on any given issue is an important professional skill.

¹¹ A. Carpenter, *The Project Model of Clinical Education: Eight Principles to Maximise Student Learning and Social Justice Impact*, *Clinical Law Review* vol 20;39 Fall 2013, page 42.

¹² L Bengtsson and B. A'Court, *The Law in the Community Model of Clinical Legal Education; Assessing the impact on Key Stakeholders*, *IJCLE* vol 30, no 2, 2023, page 54, at page 74.

¹³ N. Tarr, *Current Issues in Clinical Legal Education*, 37 *Howard Law Journal*, page 31, at page 37.

The exercises completed through the project were of a clinical and practical nature. For each team the learning outcomes included a particular knowledge of an area of law or compliance but in a broader sense the learning outcomes were experiencing ‘a brief’, a set of requirements, from a fictional client. They each had an experiential learning experience.

The law firm participants were very helpful in explaining to the students what would, or would not, be understood by, and be useful to, a potential client. The practising lawyers were also able to assure the students that the Apps would be very useful to clients and would do away with a lot of repetition.

The students themselves identified how apps could be used to streamline and automate legal and company secretarial tasks. They identified that contracts could be generated by use of legal tech if software allowed certain factual information to be supplied at the outset. The whole area of Probate and resultant tax returns was also mentioned as an area which could be more automated.

Lessons learned and a graduate’s reflection

On reflection, there were distinct advantages to being on one of the two Company law projects and the students themselves knew this. If I were organising an experiential learning module like this again, I would seek to ground all of the teams in doctrinal law areas. This would allow all of the students to deepen their knowledge of a core area of law, rather than a new quasi-legal issue. They would still have the experience of legal tech based on AI but with a more symbiotic relationship with their modules.

One of the participants, Rachel, is now a qualified Solicitor with a different top- 5 large corporate firm and we reflected on the project recently. Rachel could see clearly how firms would use these technologies to advise clients of new regulations on a given area.

Rachel went on to say “*I would say the project was very beneficial in terms of getting an appreciation for AI and it definitely had a big impact on securing a training contract as the firm was very interested in the project and the fact I had some knowledge of how to build the app.*”

The graduate also confirmed the author’s suspicion that it was easier to work on one of the Company law projects, where the students already had some knowledge of the material.

The project offered clinical legal education in a non-traditional, commercial law field. That was also more important than I realised at the time, as so many of our graduates move on to private practice in large commercial firms.¹⁴

Conclusion

The Legal Tech project was a very satisfying exercise from the perspective of offering clinical legal education and for the students in deep learning of Company law and more broadly in preparing for the new world of providing professional legal services.

Since the project, generative AI has presented even greater opportunities for efficiency through its ability to research, generate and draft legal documents. GenAI is now integrated into the curriculum in some law schools and students are alerted to the weaknesses as well as being taught how to prompt it.¹⁵ This is reasonable as lawyers are now encouraged to see GenAI as a thought-partner and legal

¹⁴ M. Castles, *Marriage of convenience or a match made in heaven, Collaboration between a law school clinic and a commercial law firm*, IJCLE, vol 23, no 2, 2016, page7, at page 25.

researcher. The next clinical legal project will have to involve scrutiny of, and experiment with, the broader capabilities of Gen AI.

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Book Review

How to embed authenticity in legal assessment: responding to generative AI, Veronica Ni Driscoll, Jo Wilson and Jeanette Ashton (Edward Elgar), 2026

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Anyone engaged in (higher) education today is likely to be concerned about the increasing role of artificial intelligence (AI) and the extent to which this impacts on various aspects of learning and teaching including, importantly, the assessment of student performance.

This book is therefore timely, and it opens a discussion that many will be glad to begin to have, if they have not started already. In addition, and at the core of the authors' intent, the book opens with the call for assessments in Law to be 'authentic' and they examine differing interpretations of authenticity ranging from preparing students for the demands of the real world (particularly equipping them with not just knowledge but work-related skills and values) to a much more nuanced position or what they term 'a multidimensional approach' incorporating, for example, collaboration and reflection on the part of students (and some might say their teachers).

For those of us who are familiar with experiential learning and teaching methods none of this is perhaps new, but when you add the role of AI to the picture then the book offers significant insights and raises vital questions (many of which are understandably, given the rapid development of AI, as yet, unanswered). The starting point must be, as the authors rightly advise, that students should be instructed in how to best use AI and then how to develop a critical awareness and analysis of what that technology can, does and may soon produce.

One of the main considerations then must be the extent to which we can assess the students actual understanding and a face to face, oral, examination of some kind is almost inevitable although that may prejudice those who struggle with such close and personal scrutiny. The book does helpfully suggest a variety of assessment methods to give students every opportunity to do themselves credit and examples are given as to how that may be carried out. Even so, what world are we preparing students for unless they can be robust enough to stand up to critical, if caring, questioning and associated pressure?

The first two parts of the book address, in turn, authenticity and AI in the context of assessment in legal education. The third part contains a set of case studies (20) looking at a variety of sometimes impressively innovative ways of assessing, taking AI into account. As examples of what can be done

the case studies provide valuable guidance for anyone wanting to revisit how their own modules or courses might be adapted, particularly given AI developments.

That said a few quibbles – it is a personal view and intended as constructive criticism, but I suggest that the book would have benefited from a number of further considerations:

- There is scant reference to the importance of learning outcomes (the topic is referred to just once in the index though there are several other mentions in the main body of the book). Any discussion of assessment is surely and necessarily linked to what it is we expect the students to learn? Unless the outcomes are clear (and SMART) the notion of constructive alignment means little. The careful crafting of outcomes should ensure that whatever assessment is used is authentic and effective.
- In the discussion on the impact of AI there is insufficient recognition of changing social norms particularly the seeming and increasing dependence on e-technology including many students' use of social media. Research elsewhere has suggested that this adversely affects attention spans, ability to focus on detail (so central to lawyers' work) and wider cognitive and critical capacity.
- I further suggest that authentic and effective assessment is reliant upon authentic learning and teaching where the exercise is one of collaboration rather than top-down instruction. In addition, the traditional approach, still retained by most law schools, is to deliver programmes in subject boxes – Tort, Crime, Land etc. This does not represent the 'messy' world of law and does not provide students with the opportunity to unpack legal issues from given scenarios and to demonstrate, authentically, that they can apply theory in practice – what better proof of understanding can you have than accurate identification and application? Think Bloom's taxonomy. Again, for those of us who are involved in experiential learning and teaching this is familiar stuff. The book would in my view have benefited from examining these points.
- The book does discuss assessing for learning but could have gone into further depth as well as considering the central question - why assess at all? If students are asked for their evaluation of their studies in my experience the frequent response is that we, as teachers, give insufficient feedback. It is well documented in educational theory that far more learning can be achieved with more formative and less summative assessment.
- Whilst the case studies are very useful as mentioned above it might have been helpful to have included examples of authentic assessment in the context of AI from other jurisdictions in both the common and civil law worlds. The work of the (UK) QAA and its benchmark standards and accreditation processes for a range of institutions at home and abroad sheds much light on the need for authentic assessment and the implications posed by AI.

Overall I found the book very stimulating to read even though it is very brief in terms of length (the first 2 parts only occupy 70 pages) and it will undoubtedly usefully add to the growing literature on these extremely important matters.

Book Review

Rethinking assessment in legal education: global perspectives on innovation, inclusion and integrity, Edited by Daniel Bansal, Maribel Canto-Lopez and Jessica Guth (Routledge), 2026

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The second recently published book on assessment in a Law study context is *Rethinking assessment in legal education*. This takes a somewhat different approach from *How to embed authenticity in legal assessment* (Veronica Ni Driscoll, Jo Wilson and Jeanette Ashton, (Edward Elgar), 2026) and a comparison is instructive for those of us grappling with why and how we assess, especially in the age of generative AI.

Here the editors take a set of six papers presented and discussed at a prior conference, reproducing them in the book and then adding commentaries by a range of educators from the global north and south. In doing so, a number of innovative and at times radical ideas, models and proposals are examined and then commented upon. The end result is a constructive debate with the commentators largely agreeing with the thrust of argument in the selected papers but valuably adding their own slants.

In the introductory section the book's editors provide helpful context by identifying the various and compelling reasons for reviewing assessment in Law, especially at the present time. These include the advance of AI, the importance of employability, the wide-spread recognition of the value of experiential learning methods and the changes in regulation (in parts of the UK at least) of legal education – not to mention the ever-present 'well-being debate'.

Significantly the book stresses the importance of harnessing the benefits of e-technology and innovation whilst retaining what they say is 'academic rigour, equity and scholarly integrity'.

What follows are the six conference papers coupled with critiques of those by a range of international legal education colleagues who not only examine what is said by the papers' authors but how their own view is informed, often by the specific jurisdiction in which the commentators work.

Paper 1 looks at how assessment in Law is and is fast becoming further shaped by AI. An argument is commendably made for ensuring students are enabled to engage with AI appropriately and critically. The potential for oral assessment along with its perceived benefits and challenges are examined, together with a range of assessment methods to compliment individual learning styles. The sense of

this is endorsed by the commentator who adds however that moving in these directions may bring problems of institutional buy-in and raises issues of equivalence and consistency.

The second paper provides an interesting and helpful example of how one law school has designed its assessment in a specific module (Land Law) to attain a greater degree of utility and realism. Using problem-based multiple-choice testing and a role-play using a mock village setting, students are required to apply doctrinal principles in an 'authentic' context. The critique is generally supportive though does suggest that using such realistic scenarios may involve issues beyond both disciplinary and student competence boundaries.

The next contribution addresses the spectre of AI concluding, rightly, that we must, for a variety of reasons, embrace the technology as must our students and that there is a great deal to be gained in doing so providing practical, ethical and critical dimensions are respected. Again, the commentator in this case endorses much of what the paper's author says with the huge caveat that the role of AI is likely to pose fundamental, if not existential, questions and threats for law schools and their holding universities, in terms of both their purpose and form.

Paper number 4 examines a type of assessment known as *ipsative* – assessment tailored for and measuring students' personal learning progression, rather than where they stand in terms of performances evaluated by reference to normative standards and criteria. The subtitle of the paper states it is the 'legal journey, not the destination' that might be assessed. The commentary raises the vital matter of jurisdictional regulation and how certain countries dictate the means of assessment and such a radical shift in assessment focus would simply not be possible, although elements of, say, continuous assessment may be. I would add my own reservation about an ipsative approach to assessment – it may not be appropriate where measurement in question is of competencies – the legal study equivalent of the driving test. In addition, focusing on the individual may give unrealistic expectations when considering how the 'real' world operates (for better or worse!).

The penultimate paper looks at the virtue of essay writing in the context of assessment in Law and how this can be used in ways that AI cannot 'see' – through utilising specific materials and combinations of that – that generative AI is unlikely to have in its resource bank. The commentator, whilst broadly agreeing with the author's position on the use of essays, does raise the interesting point that (legal) education often involves a learning relationship between instructor and student and that meaningful assessment can usefully take this into account even where assessment is in the form of essays or other formal examination.

The final paper is perhaps the most controversial for several reasons. First, it sets out what it describes as 'an argument against summative assessment'. It then goes on to assert that the purpose of assessment more generally appears to 'serve the needs of neoliberal social structures....(and) not the needs of our students'. As such, assessment is seen as reflecting social bias adversely impacting on particular groups and sectors of society including, in particular, those defined by culture and race, amongst other things. The paper goes on to question what counts as knowledge and how we need to rethink the nature of what we need to teach and learn in terms of its empowering potential. The all-important issue of assessment as learning (or not) is then examined. The conclusion of the paper is that learning needs to be community-based where all can share and benefit rather than students being pitched against each other in some ranking 'war'.

The critique of this paper agrees with much of what is said but questions the main tenet – at least as expressed in the paper's title – and more needed to be said about formative assessment. Whatever the failings of any assessment system might be and whatever the needs of individual students are, an

important component of learning is surely feedback? The constructive alignment between well-crafted learning outcomes and assessment methods should provide a reliable framework for both assessing student progress and giving detailed feedback, so the student can follow what has been done well and what might be done better in future.

Overall this is a helpful addition to existing material on assessment in the discipline of Law. As with many things in life much more could have been included. A starting point could have been why we need to assess (let alone rank) and if we do, what should be assessed, especially given its demands at both ends of the assessment spectrum. Further omissions in my view were of a detailed discussion of crafting learning outcomes and aligning these with any assessment used, the value in using group settings for assessment, how oral examinations can be used to develop learning and feedback and even the use of AI to assess. One other suggestion is that more could have been included on cross subject learning, teaching and assessment – we tend to teach Law in boxes with little or no interaction between them.

And a final comment – for those of us who are already involved with experiential learning in Law, particularly in law clinics and related initiatives, we already use a variety of assessment methods designed to encourage student engagement and reflective practice. Any rethink of assessment in legal education surely needs to take on board the active learning dimension, including how and why we assess?

All that said I would commend this book, at least for a consultative browse, as it provides much food for thought and it is a diet we are going to have to consume and digest at some point.